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In the Matter Of:

JOSEPH F. GAZZA CORE PRESERVATION AREA

HARDSHIP WAIVER APPLICATION

CENTRAL PINE BARRENS

PLANNING & POLICY

COMMISSION

PUBLIC HEARING

September 16th, 2020

RECEIVED

SEP 29 2020

Central Pine Barrens Joint
Planning & Policy Commission

CENTRAL PINE BARRENS
PLANNING & POLICY
COMMISSION
VIA ZOOM VIDEO CONFERENCE
September 16, 2020
3:00 p.m.

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

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CARRIE MEEK GALLAGHER, Chairwoman

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EDWARD P. ROMAINÉ, Member, Supervisor

5

JAY H. SCHNEIDERMAN, Member, Supervisor

6

YVETTE AGUIAR, Member, Supervisor

7

JOHN PAVACIC, Executive Director

8

JOHN MILAZZO, ESQ., Legal Counsel

9

JULIE HARGRAVE, Principal Environmental

10

Planner

11

DORIAN DALE, County of Suffolk

12

13

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

14

15

JOSEPH FREDRICK GAZZA, Applicant

16

RICHARD AMPER

17

SALVATORE CIAMPO

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2 (Whereupon, this portion of the
3 proceedings began at 3:00 p.m., after
4 which the following transpired.)

5 CHAIRWOMAN GALLAGHER: The
6 Commission members are Carrie Meek
7 Gallagher for the State of New York,
8 Jay Schneiderman for the Town of
9 Southampton, Ed Romaine for the Town
10 of Brookhaven, Yvette Aguiar for the
11 Town of Riverhead and Dorian Dale for
12 the County of Suffolk.

13 MS. PINES: I just want to say
14 -- this is Emily Pines -- Ed has a
15 little emergency, so I will be sitting
16 in as his delegate until he returns.

17 MS. HARGRAVE: Should I briefly
18 go through the staff report and then
19 the applicant is present and would
20 like to make a brief presentation
21 also.

22 Again, this is almost 59 acres
23 in the Core Preservation Area in
24 Manorville. The site is two
25 noncontiguous parcels separated by the

1
2 Long Island Expressway, both are in
3 the Core Preservation Area. The
4 northern parcel has frontage on Mill
5 Road and the southern parcel has only
6 the highway road frontage. The site
7 is entirely wooded with Pine Barren
8 vegetation and habitat.

9 The applicant purchased the
10 property last year in 2019 with the
11 intention to sell the property for
12 Open Space Acquisition to a public
13 agency. And we've been informed that
14 the Town Of Brookhaven and the County
15 are in the process of this potential
16 acquisition, but the applicant is
17 proceeding with this application at
18 this time, so we are processing it
19 accordingly.

20 The applicant has stated he owns
21 over 13 Pine Barren credits, so he
22 does not seek to obtain Pine Barrens
23 credits on this property. He has no
24 use for them as he has expressed in
25 this application.

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2 Currently, the applicant has
3 submitted this application and he
4 proposed to develop the property with
5 a 12-lot subdivision. A cluster
6 subdivision with 46 acres of open
7 space and the alternative proposal is
8 to develop five acres with a
9 single-family residence for a horse
10 loving family, which he has expressed
11 in the application.

12 The applicant would seek to
13 obtain Pine Barren credits on the
14 remainder of the property in the case
15 of the alternative proposal. There is
16 an overlap condition that exists on
17 the southern -- on the portion of the
18 southerly parcel on the project site
19 that would need to be resolved before
20 Pine Barren credits could be issued on
21 that portion. The overlap portion is
22 on 10.93 acres and if that was
23 resolved it would generate 1.75
24 credits. The rest of the property
25 would generate 10 Pine Barren credits.

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The Commission has the packet.
And in the packet there is a
subdivision map as an exhibit. I'll
go through the exhibits. And the
applicant has also received the staff
report with exhibits.

There is a map to regulate fresh
water as well as habitat into the west
side of the site. That site is also
habitat for New York State listed
endangered species, the Wetland
Endangered Species Regulations, that
would apply in this case. And the
applicant would need to obtain permits
pursuant to those regulations and
submit hereto any regulatory permits
to protect the species and their
habitat. There's also the Federal and
the State list of threatened species
on the property.

The subdivision is situated --
I'm sorry -- go to the study area
description, there is a subdivision to
the west side of the property and

1
2 other lots that are developed on the
3 Primrose Path north of the property.
4 There's a study area map in the staff
5 report as an exhibit. Those are the
6 developed plan uses around the site,
7 but other than that area, there's
8 approximately 500 acres of preserved
9 land surrounding the site within a
10 half mile radius of the project site.

11 The project site and the areas
12 in the five acre resident zoning
13 district, there are seven parcels in
14 the study area that are developed in
15 accordance with the residential
16 exemption list provision in the
17 Pine Barrens Act. The applicant
18 proposes a private well for water
19 supply to serve the property. And the
20 project as mentioned is -- the
21 subdivision project is a Type 1 Action
22 pursuant to 617.4(b)(10). It's an
23 unlisted action that exceeds 25
24 percent of any threshold in that
25 section, and is essentially contiguous

1
2 to public owned or operated park land
3 and designated open space. The 12-lot
4 subdivision with the 13 lots of open
5 space meets the 25 percent threshold.

6 And 617.4(b)(5)(II), regarding
7 50 units not connected to public
8 water, the Town Code also has its own
9 Type 1 list. And it serves to meet
10 that as well since it is in two
11 officially designated Critical
12 Environmental Areas; the Central
13 Suffolk Pine Barrens and the Central
14 Suffolk Special Groundwater Protection
15 Area.

16 The alternative proposal to
17 develop the single-family residence is
18 a Type II Action pursuant to SEQRA.
19 But it also requires a Core
20 Preservation Area Hardship. It is not
21 on -- the parcel is not on the road
22 for an exemption list.

23 And as far as permits, the
24 project would need DEC permits with
25 the health department approvals. The

1
2 Town Of Brookhaven permits, including
3 Tree Clearing, Stormwater, Well,
4 Subdivision and Building permits. The
5 project does not provide information
6 on conformance with the Long Island
7 Workforce Housing Act that may require
8 at least one more lot or payment in
9 lieu of or a reduction in it to avoid
10 conformance with that Act.

11 And in 2019, the applicant
12 applied for a Letter of Interpretation
13 or Pine Barrens credits and again the
14 total number of credits divide the
15 property to 9.45 credits not including
16 the overlap portion.

17 There are prior decisions on
18 similar matters in the Commission's
19 record including two approvals for
20 Core Hardship for subdivision
21 approximately of this size in 1994 and
22 1995. And on one Core Hardship,
23 another applicant was withdrawn and
24 another one was disapproved in 1994.

25 There are SEQRA documents in the

1
2 package that were on the regular
3 meeting that haven't been addressed
4 yet. And I wanted to point out that
5 the -- there was a written comment
6 submitted to the Commission on this
7 application. And, I apologize, I got
8 back to the person who requested or
9 submitted comments. Marisa was her
10 name. She was a resident in the
11 adjacent subdivision. And I'm not
12 sure if she's present today to speak,
13 but we did get a comment from her that
14 she was opposed to the project.

15 MR. PAVACIC: We also have the
16 applicant.

17 MS. HARGRAVE: Oh, yes. And
18 just to complete my Staff Report,
19 there are items at the end of the
20 Staff Report including the SEQRA
21 determination and reviewing the
22 applicant's responses to the Hardship
23 criteria and a conformance with the
24 Workforce Housing requirements.

25 And, again, the applicant is

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present to make a presentation.

Do you have any questions so far?

CHAIRWOMAN GALLAGHER: Thanks, Julie.

John, are you going to continue to move things along?

MR. PAVACIC: Next would be the applicant, Joseph Gazza.

MR. GAZZA: May I start?

CHAIRWOMAN GALLAGHER: Yes.

MR. GAZZA: My name is Joseph Fredrick Gazza.

I reside at 5 Ogden Lane in Quogue.

I'm the owner of the property that's before you today. That's approximately 70 acres.

I appreciate the opportunity to address the Commission. I wish I could have done it in person, but maybe that will happen in the future.

I'd like to thank John Pavacic and Ms. Hargrave for doing an

1
2 excellent job in telling my whole
3 case. You don't leave me very much to
4 say, but I can give you a little
5 background on my acquisition, why I
6 bought it. And it will just take a
7 few moments and just to give you a
8 little heads up.

9 The property as was stated, 70
10 acres, and it's cut in half by the
11 expressway between the Exit 70 and 71.
12 It has all wooded lands all around it,
13 mostly owned by either the State or
14 the County. And there's just a little
15 development to the west side, called
16 the Doe Run development, and a little
17 development to the north. But
18 everything else in this whole area is
19 municipally preserved lands.

20 This is a map that shows -- the
21 dark shaded land is either all the
22 County or the State, but there's even
23 more parcels now. And the two little
24 pink parcels, those are my combined 70
25 acres of land. There's 33 and a half

1
2 acres on the north of the expressway
3 and 36 and a half acres south of the
4 expressway.

5 I bought this land about a year
6 and a half ago from Ms. Hendricks, and
7 I located the land because
8 Ms. Hendricks stopped paying real
9 estate taxes on the land. Which is
10 sort of a sign for a real estate guy
11 like myself, that when you see
12 something along those lines -- I
13 reached out and talk to her attorneys.

14 I found out that Hendricks owned
15 this land since 1953. She owned the
16 land for 67 years. She was holding it
17 as a long-term investment, her family,
18 but never found a buyer. And the last
19 27 years -- that's how long the
20 Pine Barrens Act has been in place --
21 she had hardly any inquiry from
22 potential purchases. She continued to
23 hold on, she continued to pay the
24 exorbitant real estate taxes. This
25 year alone it's about \$27,000 a year.

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2 And it drained Ms. Hendricks. It
3 drained her financially, it ruined the
4 later part of her life. And I come
5 along and I bought it from her. A
6 little over \$400,000 I have invested
7 in this property. I don't think that
8 she even recouped all the taxes that
9 she spent in the 67 years that
10 government taxed her on this property.
11 But I looked at it as a challenging
12 property. I knew that it was
13 potential for acquisition by
14 municipality; maybe the County, maybe
15 the State.

16 I also -- I'm a dealer in Pine
17 Barren and the Town of Southampton
18 development rights and credits. Two
19 years ago -- a year and a half ago, I
20 thought that the credit market was
21 going to go up, but apparently the
22 credit market is floundering right
23 now.

24 Also, the credit market in the
25 Town Of Brookhaven -- I am now

1
2 competing with the Town -- with the
3 Pine Barrens Commission because you're
4 -- the Commission itself is now
5 selling credits. And you have had two
6 auctions where you're establishing
7 threshold prices, which is changing
8 the whole market on the credit
9 business. And I can't compete with
10 government. I've learned that a long
11 time ago. Government has that upper
12 hand when it comes to any development
13 project; any cellphone towers or
14 selling land or selling credits. I
15 can't compete with government. And
16 now under the credit program, I'm
17 competing with government.

18 So I thought that maybe some
19 agency would step up and buy my
20 property. I have appealed. And as I
21 was told earlier by Ms. Hargraves, no
22 one has the money right now. It's
23 unfortunate, but politicians have
24 spent the money on other things that
25 should have been allocated for

1
2 acquisitions of these important
3 properties. And I recognize that it's
4 important property for acquisition,
5 but that's out of my reach. And with
6 no money available from -- I wrote to
7 every agency, I called every agency.
8 I'm -- I'm pushed into the corner, so
9 to speak. And that's why I am
10 appearing before this Commission and
11 going through this Extraordinary
12 Hardship application. I don't know
13 what else to do at this point.

14 If -- if government is not going
15 to purchase my property -- I have to
16 have some use -- some -- some use for
17 this property. You can say that I
18 have the Pine Barren credits -- I can
19 get the credits -- but I have a whole
20 pile of credits already. I have 14
21 Pine Barren credits, some of them go
22 back 10 years. Okay. I have 16 Town
23 of Southampton credits, some of those
24 go back 15 years. There's not a big
25 market for credits. I'm an investor

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and I took a chance on credits, but
it's not working out that well.

I think the best thing that
could happen to me is if I was given
just some small use for my property.
I know that asking for a 12-lot
subdivision is a lot. I recognize
that. I recognize that when we were
-- I met with the Commission about
publishing this hearing -- I was --
when the application was declared a
Type 1 Action. I know what Type 1
Action means. I mean -- that means
it's a significant impact, it means an
Impact Statement. It's a trap for a
developer, an investor.

To get out of a Type 1, it's not
easy. And I don't know if I have even
been successful no matter how hard I
tried. I'd be up against all the
people who don't want to see this
develop. And, you know, what could I
do? They have all the cards. So I
step back and I said -- even though

1
2 the development is something that
3 would be permitted under Brookhaven
4 zoning -- and I said, I'll cluster it.
5 I'll bring all the lots up close to
6 the road, I'll protect the area along
7 the sides to the expressway, I'll
8 allow the land to be -- my land -- to
9 be connected to the Town, the County
10 land to the west and the State land to
11 the east to bring a connection about.
12 I thought I would do all the right
13 things that a cluster is supposed to
14 do. But reading the reports, nobody
15 even likes the cluster.

16 So my engineer -- I spent over
17 \$2,800 drawing up the cluster map. I
18 might as well have opened up the
19 window and throw the money out the
20 window because -- I don't think it's
21 going to be palliable for your
22 Commissioners to say yes to a cluster
23 map. And the Type 1, classifying it
24 is a debt mill for that type of an
25 application.

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So I stepped back and I said,
"What can I possibly do to get just a
little reward from my \$405,000 in the
year and a half of my life that I
spent on this land?"

It's beautiful land, it's all
wooded. The wetlands are on the
subdivision next to it. I don't think
there's any wetlands on this property.
My surveyor said there was no wetlands
on the property. It doesn't show on
my survey maps.

But I need something. I need a
little bit of use. If there's not
going to be money to buy it, you got
to give me something. And I felt that
if I asked for a one single-family
dwelling -- and the idea came to me
because I received information from
the Long Island Horse Farm
Association, the realtors, and they
promote real estate for people who
have horses, who want a residence with
a little corral and the ability to

1
2 ride their horses around. And I am in
3 communication with a woman in West
4 Hampton -- Janice -- and Janice has
5 been working with me and she said, "I
6 think I could find you a buyer for
7 your property if you could have a
8 house, with a barn and a ring where
9 they could ride the horses." And she
10 said, "We can do this on just a couple
11 of acres of property." And she said,
12 "I think I can find you a buyer."

13 So if I could recoup my
14 investment -- and I've been working
15 with the horse people, we came up with
16 a plan. Of course, we know that this
17 was the 12-lot cluster plan, which I
18 know no one likes. Okay. So we came
19 up with an alternate plan -- look,
20 Julie hasn't presented this to you
21 yet. I only gave it to her this
22 morning because we have been working
23 on it.

24 But what we've done is we have
25 taken a five acre lot out of the 70

1
2 acres and we -- I presented a house, a
3 -- I don't know if you can see this or
4 not -- it's just cutting out five
5 acres from the 70 and putting a horse
6 barn, corral and a home. And I did
7 two different layouts. And if you can
8 see, they front up onto Mill Road and
9 they're right next to the development
10 next door. So I'm pushing all the --
11 the development of the 70 acres up to
12 the north westerly five acre corner.
13 And if I could just get that, I could
14 get something from this land. Unless
15 government is going to come up with
16 some money -- I have to have
17 something.

18 Now, I've also -- I have been
19 struggling with the assessors in the
20 Town Of Brookhaven. I asked for tax
21 relief on the property. I said,
22 "\$27,000 a year, every year is
23 absurd." They said, "File a
24 grievance. Do a petition."

25 I filed a grievance, did my

1
2 petition, got the decision. No
3 change. I went back, I argued with
4 them orally -- like, you can't see
5 them anymore -- they said, "We are
6 valuing the property as a five acre
7 residential zone property." I said,
8 "It's in the Pine Barren Core. I
9 can't develop it." They says, "Well,
10 we don't know that." I gave them a
11 copy of the code. I said, "The code
12 says that it has to be preserved."
13 It's supposed to be for aquifer
14 protection, the land is supposed to
15 remain in its natural state. I can't
16 cut down one tree. If I cut down one
17 tree, it's considered development, and
18 development is prohibited in the Core.
19 I showed them the law. I showed them
20 Article 57. They said, "Nope. We are
21 not buying it." I said, "What do you
22 want me to do?" They said, "Bring us
23 something from the Pine Barrens that
24 you can't use your property. Bring us
25 a letter. Bring us something."

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I reached out first to
John Milazzo, your counsel, he said,
"I don't think that the Commission is
going to give you anything, but that's
just my opinion." He says, "I'm
certainly not giving you anything."

I don't know if the Commission
is going to give me anything. I don't
know if the Commission would even
consider giving me anything. It's --
it was so sad for me to see
Mrs. Hendricks, who had to pay taxes
her whole life for Pine Barren Core
and nobody stepped up to help her.
She had two attorneys. They didn't
understand the Pine Barrens, the
rules, the regulations. They were in
Manhattan. The taxation just drained
all the money from this woman. How
can the Town and the Pine Barrens
Commission, the State -- you know this
is Core land -- how can you tax it as
buildable residential lots or acreage?
Whatever the zoning was -- something

1
2 five -- it's just unconscionable.

3 And now, I'm in the same
4 position as Hendricks. I paid the
5 \$27,000 this year. So I'm in the
6 Hendricks trap. I own land that is in
7 the Core, I can't use it, I can't
8 develop it.

9 I am appearing before you as an
10 Extraordinary Hardship. The test for
11 the Extraordinary Hardship -- can I
12 prove that there is no other use?
13 Your regulations show that. It says,
14 no use. Your regulations say, no
15 disruption of vegetation. How can you
16 do something with land if you can't
17 cut down one tree? I mean, you can
18 preserve it for drinking water, but
19 that's not any use for me. That's a
20 use for the public. And a use for the
21 public has to be compensated by the
22 public. And that's not happening.
23 And I'm in a tight spot. I'm backed
24 into the corner, I'm stuck with the
25 taxes. I own the land and I'm

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appealing for some use.

That's basically my presentation. I hope that we can come to some type of -- some type of an agreement that I can use something so I don't fall into the Hendricks trap. And I'll spend 67 -- well, I can't spend 67 years of my life because I am already 70 years old -- but how long should this continue? How long should the Pine Barrens Commission allow taxation with no use and acquisition? Was 67 years enough time for Mrs. Hendricks? And how many years for Joe Gazza? It's just -- it has to stop.

Thank you for your time this afternoon. If you have any questions, I'm here to answer them as best I can.

MR. ROMAIN: I have some questions.

MR. GAZZA: Certainly, Mr. Romaine.

MR. ROMAIN: Did you file a

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Small Claims Assessment Review
petition with your assessment?

MR. GAZZA: I did.

MR. ROMAINÉ: You did.

Who hears those cases? Not the
assessor.

MR. GAZZA: Not the assessor.
There's a Board.

MR. ROMAINÉ: No. Wrong again.
Who hears the Small Claims Assessment
Review petition?

MR. GAZZA: I filed a grievance
petition.

MR. ROMAINÉ: Right. And once
you file a grievance and it's denied,
then you can file a Small Claims
Review petition.

MR. GAZZA: I did not do that.

MR. ROMAINÉ: So look, that is
common knowledge.

MR. GAZZA: Well, my
discussion --

MR. ROMAINÉ: (Interjecting) --
do you know where they are filed, sir?

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MR. GAZZA: I imagine with the
County Clerk.

MR. ROMAIN: Thank you. Do you
know what I did for 16 years?

MR. GAZZA: Review petitions.

MR. ROMAIN: No. I was the
County Clerk.

MR. GAZZA: It was just a guess.

MR. ROMAIN: Okay. So you
failed to file through the procedure
that so many people -- tens of
thousands of people every year file a
Small Claims Review petition.

Do you know the chances of
success on a small claims review
petition?

MR. GAZZA: I do not.

MR. ROMAIN: Almost 80 percent
plus get the reduction they are asking
for -- or at least some reduction. So
you failed to do that.

MR. GAZZA: Okay.

MR. ROMAIN: About the
politicians spending money, that they

1
2 are out of money, we are voting to
3 purchase your land tomorrow. We are
4 in a deal with the County. We are
5 coming up with our money tomorrow
6 night at our Town Board meeting.

7 Did you know that, sir?

8 MR. GAZZA: I did not know that.

9 MR. ROMAINE: My strong
10 suggestion is to speak to our County
11 attorney. You paid \$400,000 for this.
12 I happen to know -- I'm not discussing
13 it with you, that's the County's major
14 partner -- you will be considerably
15 made more than whole. So I'll just
16 point out those facts to you.

17 However, if you want to proceed,
18 I am happy to let you proceed and file
19 SEQRA that is so necessary for this
20 process.

21 MR. GAZZA: The application for
22 a single-family dwelling would be a
23 Type II, and the necessity for a --
24 the SEQRA review would be much less.
25 In the event that the purchase does

1
2 not materialize -- then I have been
3 waiting for over a year for a purchase
4 to materialize -- and it hasn't
5 happened. No one has made me a
6 written offer.

7 Might I continue with that
8 application, Mr. Romaine?

9 MR. MILAZZO: Hi, Joe. It's
10 John Milazzo. How are you?

11 First, I want to know how you
12 have three hands when you are holding
13 up the documents for the record.

14 Has your application been
15 revised? Has your application been
16 revised? Are you seeking only one
17 house or are you still seeking the 12?

18 MR. GAZZA: No. No. I asked for
19 12 and then the alternative. I asked
20 for a single-family dwelling with a
21 barn for a horse family as an
22 alternative if the Commission has
23 found that there was no chance at all
24 for the 12-lot division.

25 MR. MILAZZO: Okay. Joe, so

1
2 under SEQRA, that sounds as an
3 alternative. So the pos dec[sic]
4 would be granted on the 12-lot
5 subdivision. One of the things under
6 the pos dec that we can consider as an
7 alternative would be a single-family
8 house.

9 MR. GAZZA: Okay. That's fine.

10 MR. MILAZZO: I will withdraw
11 your application for the reason it
12 being for the 12, then you can argue
13 about your Type II.

14 But right now before the
15 Commission is a 12-lot subdivision
16 with an alternative of one lot. So
17 this SEQRA which is proposed is
18 suggested by staff as being a pos dec.
19 It would stay and there hasn't been
20 action on that yet, just to clarify
21 that with the Supervisor.

22 So it's still a 12-lot
23 subdivision that's still a Type 1
24 Action. We have the research of why
25 it is a Type 1 Action.

1
2 So if you're going to maintain
3 that 12-lot application, it's subject
4 to Type 1. And probably -- I think
5 your recommendation -- I think is for
6 the pos dec. The Commission would do
7 that at the end of the hearing.

8 We have some questions with
9 respect to the Hardship. Under the
10 law, the statute requires a certain
11 showing, and Grace is going to go
12 through those now. And we -- so if
13 you can just answer these questions,
14 which you know.

15 MS. REVELLO: So you already
16 addressed about the beneficial use of
17 the land, but if you can just list for
18 the record the three elements
19 underneath that. So that's 57-0121,
20 Section 10(a), and there's a I, II, II
21 under that.

22 MR. GAZZA: Okay.

23 MS. REVELLO: So -- do not apply
24 or affect other property in the
25 immediate vicinity --

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MR. GAZZA: I'm looking at the
121, 10(a). It says:

Subject property does not have
any beneficial use except for water
shed protection.

Is there a dispute about that?
Or what else is the use?

MR. MILAZZO: But, Joe, you have
to show the standards, right? So the
text on the law is you have to show it
under those three elements, which
Grace just read to you.

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

MR. GAZZA: I expressed that if
development constitutes removing even
one tree -- it's very difficult to
develop a piece of property if you
can't remove any vegetation.

Therefore, it's use is for watershed
protection and there's no development
under the Core, the rules allowed;
that would be the first one.

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2 The second one, is that all
3 property in this immediate vicinity is
4 either developed with homes or in
5 public ownership for preservation.
6 Julie Hargraves stated that in her
7 report. She said that it's all
8 municipally owned by the County and
9 State all around the property with the
10 exception of the two little
11 developments, the Doe Run to the west
12 and the Primrose Path to the north.
13 All the other vacant lands are gone.
14 They are municipally owned or they are
15 built on. So I isolated a piece of
16 property that should be acquired by
17 government or it should be able to be
18 used for something.

19 Number -- I did not cause the
20 Pine Barrens Core to be -- take this
21 parcel into it. I had nothing to do
22 with that. I have only owned the land
23 a year and a half. Okay. It's also
24 -- it's a single and separate parcel.
25 I don't own any contiguous property, I

1
2 don't own anything else in Brookhaven.
3 This is just an isolated track 70
4 acres that I purchased. It's a single
5 and separate parcel. I have no -- no
6 idea of what use municipal acquisition
7 does not occur other than a
8 single-family dwelling. Since the
9 division is going to be withdrawn for
10 12-lot because I know that that is a
11 Type 1 and I'm not going to fight --
12 I'm not going to do an Impact
13 Statement. I'm not going to be able
14 to prove to the satisfaction of the
15 environmental people that I'm going to
16 overcome their hurdles on a positive
17 dec with type of a development.

18 MR. SCHNEIDERMAN: Can I ask a
19 question?

20 MR. MILAZZO: I'm sorry,
21 Supervisor. There is a third element.
22 An action or inaction of the
23 applicant. Including transfer on --
24 it's a year and half since you created
25 this Hardship?

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2 MR. GAZZA: Well, my action was
3 in purchasing the property and in
4 attempting to sell the property to
5 government agencies. What action -- I
6 didn't develop it, I didn't cut down a
7 tree. I have only paid for surveys
8 and drawings and applications and
9 advertising. That's -- and pay the
10 taxes. That's all I have done.

11 MR. ROMAIN: Can I ask a
12 question?

13 MR. GAZZA: Certainly.

14 MR. ROMAIN: How much did you
15 pay per acre when you purchased this
16 property?

17 MR. GAZZA: I'll tell you in one
18 second.

19 MR. ROMAIN: Approximately.

20 MR. GAZZA: We have ten -- well,
21 11 acres have bad title on the south
22 end -- so we are going to call it 50
23 -- 59 acres.

24 MR. ROMAIN: Can you sell that
25 11 acres if it has bad title?

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MR. GAZZA: No, I can't sell it.
No one will buy a property with a bad
title. I have offered it to the
County for free.

MR. ROMAIN: You did? Why
didn't you make that offer to the
Town? I'll be happy to look into that
for you if you're interested.

MR. MILAZZO: Supervisor, the
Town is going to consider a resolution
tomorrow to make an offer, so you may
want to refuse yourself as the County
is giving dependency of an offer that
we are hearing may come out.

MR. ROMAIN: May come out.
Thank you.

And from this point, I'm going
to leave this meeting until this
hearing is over because I believe that
we may be working with our partner,
the County, on this parcel and I don't
want to say anything further.

Thank you.

MR. MILAZZO: Thank you,

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Mr. Romaine.

MR. ROMAINE: Let that stand as my recusal for the rest of this public hearing. Thank you.

I'll come back when you are finished.

MR. MILAZZO: We'll bring the Supervisor back in.

So in considering this application, the Commission does not weigh to be or consider the potential of the County or a Town acquisition. It's judged on its merits.

So, Mr. Gazza, I will ask a question.

Are you revising your application to be just one lot or is it 12 still? I'm just hung up on that, I need to know.

MR. GAZZA: I will be revising it to seek one five acre lot conforming to Brookhaven zoning.

MR. MILAZZO: Thank you for that clarification.

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Supervisor Schneiderman had a question.

MR. SCHNEIDERMAN: I guess my first question will piggyback on that, Joe.

So I'm assuming that you are going to retain a certain amount of Pine Barren credits for the remainder of the property since you're just going for the one horse farm and then there would be some balance of Pine Barrens credits, correct?

MR. GAZZA: That's correct, Supervisor.

MR. SCHNEIDERMAN: So your whole argument for a Hardship -- this is kind of unusual for this Commission -- is that you cannot -- you cannot get value out of the Pine Barren credits.

It seems like you preferred to sell the property to a municipal entity, be it the Town or the County or the State or whoever it might be. But there are no purchasers, and you

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are saying there's somewhat of a
collapse in the Pine Barrens credit
market where you're not able to sell
those credits out on the open market,
correct?

MR. GAZZA: Somewhat. Let's
start with the Town -- the Pine
Barrens Commission marketing their own
credits. I believe that you have ten
or 20 credits that you have been
conducting an auction on over the last
year on two occasions; is that
correct? Is there someone from the
Pine Barrens that can confirm that?

MR. MILAZZO: I will provide
that answer for the record, but I
don't believe that is true though.

MR. GAZZA: Was there an auction
of Pine Barren credits conducted by
the Pine Barrens Commission?

MR. MILAZZO: The Clearinghouse
owns 10.19 credits in Brookhaven.
They have not offered those for sale
in the last year to my knowledge.

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But, again, that's a -- Jerry Tverdyy
will get us an answer and we'll add it
to the record.

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MR. GAZZA: Well, I believe
there was an auction with no bidders.

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

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MR. SCHNEIDERMAN: So it's sort
of an unusual argument that the
Pine Barrens credits are not
sellable -- not that sellable.

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MR. GAZZA: Not that sellable.
MR. SCHNEIDERMAN: Not that
sellable. So what can you sell a Pine
Barrens credit for these days?
Because that's kind of a critical
component of the original Central Pine
Barrens Law, is the value is based on
these credits? And I thought -- and,
Joe[sic]Milazzo, maybe -- correct me
if I'm wrong -- I thought there was
some affirmative obligation of the
State or from municipalities to

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acquire these credits.

MR. MILAZZO: First off, it's
John.

And then with respect to the
affirmative obligations, the
Clearinghouse has a blanket offer to
buy credits which is much lower as a
base (inaudible) so they have not been
seeking to purchase credits in
Brookhaven recently.

Mr. Gazza bought this property
knowing that the Core, dwelling and
what its uses were. So I would
suggest that we focus the hearing on
his presentation of the elements of
his Hardship.

MR. SCHNEIDERMAN: So, John,
there is no automatic purchase of
credits should a seller say, "I want
out"; that doesn't exist?

MR. MILAZZO: The Clearinghouse
hasn't offered to buy credits at
values that are lower than what the
market transactions are. We can

1
2 supplement the record with the most
3 recent transactions in Brookhaven.
4 They are in the order of \$80,000 or
5 more. Mr. Gazza would get 13 or so
6 Pine Barren credits at \$80,000 --
7 someone that is smarter than me can do
8 that math -- it's more than what he
9 paid for in orders of magnitude
10 greater than what he paid for the
11 property.

12 What he is purporting to
13 represent is he hasn't found a buyer,
14 but that may be because he hasn't
15 found a buyer at his price. And I
16 know Joe buys and sells credits all
17 the time. He may be asking too much
18 or he may not be. I don't know.

19 MR. SCHNEIDERMAN: Do you
20 understand that for us Commissioners
21 in terms of determining Hardship --
22 this is the central argument here --
23 is the Hardship the inability to sell
24 credits? So to get some testimony as
25 to the value of these credits, it's

1
2 sounds like they are worth in excess
3 of what Mr. Gazza paid. I'm not
4 seeing -- I am not seeing the
5 Hardship.

6 So, Joe, I'm going to need some
7 more clarification there. It also
8 sounded from the Supervisor of
9 Brookhaven that you have a willing
10 municipal buyer. In which case, I
11 would say let's not even go back and
12 forth. Let's not continue to argue
13 this. Let's just adjourn it pending
14 the outcome of municipal acquisition.
15 If that goes nowhere, then we can go
16 back and make the argument. But we
17 heard testimony of whether we should
18 or shouldn't have, and that there's a
19 pending offer coming your way.

20 MR. GAZZA: I agree 100 percent,
21 Mr. Supervisor. I would welcome a
22 pending offer. I would also welcome
23 an offer from the Pine Barrens
24 Commission, at \$80,000, I am prepared
25 to sell the credits now.

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So if Mr. Milazzo has a
checkbook there and someone from the
Pine Barrens wants to sign it, I'm
coming right over with the application
and I'll sign it up.

MR. SCHNEIDERMAN: I'm not quite
sure that that's what Mr. Milazzo was
saying.

John, do you want to clarify?

MR. MILAZZO: Joe knows that
wasn't the -- we are going on the
recent transactions, Joe.

MR. GAZZA: You know, there are
some transactions, Mr. Supervisor --
as we both know -- that some have been
Town credits that are far greater than
\$80,000. But what has to be
explained, is that if I sell a credit
-- let's say I sell a credit for
\$100,000, okay? And I have sold a
credit -- a Town credit for 100,000.
The buyer does not want to buy a piece
of paper. A credit. They don't want
that. What the buyer wants is his

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2 project to be approved and the credit
3 is necessary to get the project
4 approved.

5 So the buyer comes to me and
6 says, "Joe, I have a project and I
7 need to get an approval from the
8 Health Department or from the Town. I
9 understand that if I use credits, I
10 can get that approval." I say, "Yes,
11 that's true." And he says, "Well, you
12 get me an approval and I'll buy the
13 credit from you."

14 Then I spend six months, a year,
15 a year and a half going through
16 processes with applications with
17 Dave Wilcox for clearing use for
18 different uses. Hearings, paying
19 fees, surveys to fight to get the
20 person to be able to get what he wants
21 to use with the credit. So what
22 people don't understand, I'm spending
23 a year of my life as an attorney
24 fighting for somebody to sell one of
25 these credits, so I make a sale.

1
2 People are not just coming to the door
3 and knocking on my door and saying,
4 "Joe, here's \$80,000. Can you give
5 the credit?" It doesn't happen that
6 way. That's --

7 MR. SCHNEIDERMAN:
8 (Interjecting) -- they want the
9 application. They don't want the
10 piece of paper. They want the
11 application of the credit.

12 MR. GAZZA: They want their
13 application approved.

14 MR. SCHNEIDERMAN: I understand.

15 MR. GAZZA: That's what they
16 want. And that the credit can get
17 them there sometimes -- not all the
18 time -- but sometimes.

19 MR. SCHNEIDERMAN: I understand
20 there's --

21 MR. GAZZA: (Interjecting) --
22 They don't hire me, they are hiring
23 another attorney to do it.

24 MR. SCHNEIDERMAN: There is also
25 quite a distinction between the Town

1
2 credits -- even Pine Barren credits
3 from Town to Town and their
4 applicability -- you know, depending
5 upon school district, hydrological
6 zone or all kinds of what can transfer
7 where. It's a complicated business.
8 So I don't know the value obviously of
9 the credits you have in the Town Of
10 Brookhaven in that particular area,
11 but I'm sure that it could be
12 established by the Pine Barrens
13 Commission.

14 But it seems that rather than
15 going through that exercise -- though
16 it might be the best outcome for you
17 economically -- I think we ought to --
18 what is prudent is to wait and then
19 see what happens with the Town Of
20 Brookhaven. It sounds like you need
21 to amend your request to drop -- if
22 you're going to stay with the Pine
23 Barrens Commission -- is to drop down
24 to a single-family home, so that your
25 SEQRA is a Type II. Otherwise, you're

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going to be spending a long time on
your Environmental Impact Statement
Study. So you would need to make that
change, too.

But I think to enter in good
faith and negotiations with the Town
is the best short-term plan for you.

MR. GAZZA: We are in agreement.
No argument, Mr. Supervisor. No
argument.

MS. AGUIAR: Okay. Move on.

MR. SCHNEIDERMAN: John, do we
have to entertain other -- it's a
public hearing -- do we have to
continue with allowing other members
of the public to weigh in here?

MR. MILAZZO: Yes.

MR. DALE: I have a question
before we start going on with the
public, if that's okay? And that is
really an answer that was sought about
20 minutes ago.

Mr. Gazza, you expressed that
the 70 acres had 11 acres that had bad

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title to it, but you were going to
provide a per acre breakdown of the
remaining 59 in terms of what it cost
you per acre.

Do you have that number for us?

MR. GAZZA: \$6,830.51.

MR. DALE: Thank you.

MR. GAZZA: Plus a year and a
half of my time as an attorney.

MR. DALE: Oh, that's like
\$1,000 an hour, right?

MR. GAZZA: No. No. \$450 an
hour.

You are dating yourself.

A lot of time goes into my work.
And I only maybe bought three or four
pieces in the last year of my life.
This is one of them.

So when I devote my life towards
persuing these real estate adventures
-- and not all of them work out. So
it's -- other attorneys that do
litigation and make all kinds of money
-- this is what I do. This is my

1
2 specialty. I track people down, I
3 follow delinquent taxes, I follow
4 people who have not been able to use
5 their property, who have given up
6 because their attorneys have given up.
7 And I take the risk. I part with the
8 \$405,000 of my money. I roll the
9 dice. And there's a risk involved.
10 And that is something that a lot of
11 people can talk about, but unless you
12 experience that yourself, it's hard to
13 understand it.

14 And the \$26,000 a year taxes,
15 that hits home. Hits home right
16 around Christmas time when those bills
17 come in.

18 MR. SCHNEIDERMAN: The problem
19 with that argument on one hand, Joe, I
20 can say that it's a self-imposed
21 Hardship. That you knew what you were
22 getting into. You were taking a risk.

23 I have always thought that
24 Pine Barrens credits, there was a
25 backstop on evaluation. That they

1
2 couldn't go to zero, that they had to
3 have a certain amount of value, that
4 some entity would step in.

5 I get concerned if these credits
6 don't have value. I was a little bit
7 concerned when the County was changing
8 the regulations that might devalue
9 these credits from the Health
10 Department's perspective.

11 So I think it's important that
12 these credits retain value. I don't
13 want to say anything more on the
14 record about that, but --

15 So you're making an argument
16 that almost goes against you by saying
17 you took a gamble. You took a real
18 estate gamble. It shouldn't have been
19 that speculative because the
20 Pine Barrens credit is ought to have
21 value. They fluctuate, but there
22 should be value there.

23 MR. GAZZA: I agree with you.
24 There's got to be value. But the
25 expected value and the work that has

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2 to go into making them valuable, that
3 is the key factor here. I never knew
4 that the Pine Barrens Commission
5 itself would buy credits from me. I
6 never knew that. No one ever told me
7 that. I have been arguing for a year
8 with the Commission over this case.
9 No one ever stepped up and said, "Hey,
10 Joe, we will write you a check for the
11 credits." I never knew that. I knew
12 they were trying to sell credits, but
13 I never knew they were buying them.

14 MR. SCHNEIDERMAN: I think,
15 unless other Commission members have
16 other questions is that we get to the
17 public and then I would say we adjourn
18 pending good faith negotiations with
19 the Town of Brookhaven. Hopefully,
20 that will make this matter move.

21 But that's just my opinion.

22 MR. GAZZA: Thank you.

23 MS. AUGIAR: Jay, I agree with
24 you.

25 CHAIRWOMAN GALLAGHER: Is there

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anyone from the public?

MR. MILAZZO: There's one public
comment from Richard Amper.

John, can you read it in?

MR. PAVACIC: I thought he was
going to speak.

MR. MILAZZO: Rich, are your
there?

MR. AMPER: I am.

MR. MILAZZO: Okay. So we can
swear him in please.

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

MR. AMPER: Well, this is
clearly a self created Hardship, and
admitted Hardship.

He says he rolled the dice.
This is a guy who is a wheeler-dealer
in real estate for years. And a year
and a half ago, he went and bought
property that he knew couldn't be
developed, and now he's coming to you
to bitch his pitch about it.

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2 Now, we are lucky if somebody
3 wants to buy it. That's just good
4 luck. But it's not the responsibility
5 of you people who are trying to
6 protect the environment. He knew this
7 land was not developable, he bought it
8 anyway. And now he is complaining
9 because he can't get rid of it.
10 That's not our business. I'm very
11 much in favor of protection, but I'm
12 not prepared to support somebody who
13 takes a risk. An absolutely
14 incredible risk. Admits that that's
15 what he does for a living and then
16 expects the people in this Commission
17 to come and make him whole. That's
18 not the way it worked before, and we
19 shouldn't make it work that way now.

20 MS. AUGIAR: Thank you, Rich,
21 for your comment.

22 MR. SCHNEIDERMAN: Are there any
23 other public comments?

24 MR. PAVACIC: Anybody else who
25 wishes to make any public comments,

1
2 raise your hand in the chat room.

3 Anybody else? Going once -- oh,
4 Salvatore Ciampo.

5 MR. CIAMPO: I had just asked
6 what the backstops government dollar
7 value for credits were? Because we in
8 the Scouts have been selling these
9 credits for a good long period of time
10 and we are not aware that we can get
11 rid of them to the government. We
12 would be inclined to think about doing
13 that. But can anyone tell me that
14 dollar value? I had asked it in the
15 chat, I didn't get a response. I had
16 asked it a second time, and I didn't
17 get a response. So now I am asking it
18 for the record.

19 MR. MILAZZO: The Central Pine
20 Barrens Clearinghouse made an offer --
21 it has an outstanding offer to
22 purchase the credits. We will get the
23 numbers and we will supplement them
24 for the record. I don't know them off
25 the top of my head.

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2 They are based on a 1995
3 evaluation. It was done earlier in
4 the program, so we'll get that
5 information.

6 MR. CIAMPO: Can we request it
7 be sent to either
8 Chris Kosher(phonetic) or myself? I
9 mean, putting it in the record won't
10 get that information to us, right?

11 MR. MILAZZO: It will get out to
12 you. No problem. Yes, that's fine.

13 MR. SCHNEIDERMAN: Any other
14 public comment?

15 MS. HARGRAVE: If there's no
16 other person who would like to speak,
17 I would just want to add again, that
18 the Commission did receive an e-mail
19 from a woman named Marissa Barisi, who
20 said, "We recently have been informed
21 by neighbors that if there are plans
22 to build a development behind our home
23 at 15 Doe Run in Manorville, that
24 myself, my husband at Doe Run are
25 opposed to the building of development

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2 and would like to be heard."

3 I sent her the application. I'm
4 not sure if she would like to self
5 comment.

6 So if the Commission is going to
7 have an open written comment period,
8 that might be helpful for few days, so
9 people who aren't aware of this
10 hearing or -- I did inform her that
11 there was a hearing today -- but allow
12 people to submit written comments
13 maybe for five days until next
14 Wednesday. If you wish.

15 Then the deadline is early
16 November, so really the -- unless you
17 had a special meeting -- the deadline
18 would be due at the next meeting,
19 October 21st.

20 MR. SCHNEIDERMAN: I would like
21 to just leave it all open. Just
22 adjourn it entirely to the
23 October 21st meeting, with the hope
24 that there's a resolution to this
25 matter by then between the Town,

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County and Mr. Gazza.

MS. HARGRAVES: Mr. Gazza, are you willing to give Commission any kind of an extension or are you --

MR. GAZZA: Yes. But not October 21st. I have to be in Florida to vote.

How about November?

MR. SCHNEIDERMAN: You have to give us the extension on the decision as well.

MS. HARGRAVE: Yeah. To the November meeting -- the November meeting is the --

MR. SCHNEIDERMAN: The 18th.

MR. GAZZA: The 18th would be good.

MS. HARGRAVES: November 18th.

MR. PAVACIC: Wednesday, November 18th meeting.

So, Mr. Gazza, are you granting an extension of time for the decision to the Commission to November 18th meeting?

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MR. GAZZA: That is correct,
Mr. Pavacic.

MR. PAVACIC: Okay. Thank you.

MS. HARGRAVE: And the public
comment period open until --

MR. SCHNEIDERMAN: I'd leave it
entirely open so that we can get
people on public comment on the
18th of November as well.

MR. MILAZZO: So procedurally,
you may want to have your public
comment period on the next Commission
meeting in October, and then you could
close. We are not going to have
another hearing, it will just be the
record portion. Then after, you would
be able to consider all of the
comments received in October at your
November meeting, which is the
decision deadline.

Otherwise, you find yourself
having -- receiving public comment on
the day of your decision which is
always a problematic situation.

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MS. AUGIAR: Makes sense.

MR. SCHNEIDERMAN: Mr. Gazza,
won't be here for the October hearing.

MR. PAVACIC: There's another
question from Salvatore.

MR. CIAMPO: I just wonder if we
could get a definitive answer. I
don't think I have heard if the
Pine Barrens Commission was selling
credits in competition with those who
are holding credits. I have never
heard that, but we didn't get a
definite no or yes on that I think.

MR. MILAZZO: The Commission is
not actively selling credits from
Riverhead as of today. The Commission
is not actively selling credits in
Southampton today. The Commission is
not -- I don't believe the Commission
is actively selling credits in
Brookhaven. We will confirm the
Brookhaven piece.

MR. CIAMPO: I apologize. Let
me clarify the question.

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Is not currently and never has
been? Or have they been at any given
time?

MR. MILAZZO: This is a public
hearing, so you can put that on the
record. The Commission is not
actively selling them today.

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

MR. CIAMPO: The question is,
have they ever been?

MR. MILAZZO: This is a public
hearing. If you want to put that on
the record, your question is noted for
the record.

They are not actively selling
them. I don't know if we sold them --
I have to go -- it's 25 years. They
are selling to Riverhead -- they don't
own any Riverhead credits. They don't
own any Southampton credits. The
Commission only owns ten credits in
Brookhaven. Jerry Tverdy can confirm

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all of those understandings. We will
get it into the record for the record.

MR. CIAMPO: Thank you.

That's sort of what I thought,
but I wanted to get it more clear.

Thank you very much.

MR. MILAZZO: And, again, we
will make sure that's right, so it's
subject to verification and
confirmation.

So with respect to the hearing,
I recommend that you close the public
hearing portion. You keep the record
open until October, then you have your
decision in November; is that okay?

MR. GAZZA: That's fine.

MR. SCHNEIDERMAN: I'm not sure
about that because it sounds like
Mr. Gazza is about to change it and
make it a single-family home as his
application and not a 12-lot
subdivision. And that seems to be a
material change and I just state that
we ought to allow public comment

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besides his written comment on that.

But --

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

MR. MILAZZO: Then your decision might be in December. You just shouldn't have your decision align with the day of your closing of the hearing. That's all.

MR. SCHNEIDERMAN: Again, I'm hoping this is all mute very quickly if Brookhaven Town and Mr. Gazza come to terms.

So -- but, Joe, are you okay with giving a decision deadline in December?

MR. GAZZA: November would be better for me, I'm going to be on Long Island. I have to pay taxes -- you know, I'm going to get another tax bill coming up. It's just another \$27,000. I'm trying to resolve this.

MS. AUGIAR: Oh, you're going to

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make out well.

MS. HARGRAVE: So the decision is to have the hearing to only -- if Mr. Gazza formally withdraws his 12-lot subdivision and proceeds with only the development of one lot which requires a Core Hardship.

Does the Commission wish to have another hearing in October or November to hear just that development proposal and then have a decision after -- on the date after that?

MR. GAZZA: I have withdrawn the 12-lot, and I'm on the single-family home with the -- for the horses. That's my application.

MR. SCHNEIDERMAN: Let's leave the record open -- the written record open for a month and then we can make a decision. Hopefully, it gets resolved in that month.

MR. GAZZA: Thank you.

MR. SCHNEIDERMAN: Does that seem okay?

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2 MR. MILAZZO: That's perfectly
3 appropriate.

4 And I will remind the
5 Commission, the Commission is debating
6 and determining whether Mr. Gazza has
7 established a Hardship on his
8 application and is now considering
9 whether the Town, the County or any
10 other agency is interested in
11 acquiring this property that's outside
12 of the purview of your consideration
13 and is now going to the merits on his
14 application. His application has
15 either demonstrated a Hardship exists
16 based on what he has told us today or
17 it hasn't. And the determination of
18 whether he sells or not doesn't
19 matter.

20 So I just want that to be the
21 criteria the Commission Staff uses in
22 reviewing and determining whether the
23 Hardship exists subject to the new
24 comments that come in in the next
25 month.

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2 MS. HARGRAVE: I think we also
3 need to add three exhibits. So it
4 would be K, L, and M. It would be the
5 report from Town Of Brookhaven dated
6 September 14th that provides comments
7 on the application. And it does
8 indicate the essential acquisition and
9 would prefer if anything goes through,
10 would be the one lot development.

11 The Gazza letter dated
12 September 15th, 2020, received on
13 September 15th is 14 pages and that is
14 -- that was received yesterday with a
15 cover letter and some supporting
16 materials.

17 And then material that was
18 received today from Mr. Gazza, was a
19 letter dated September 15th, and that
20 was received today. It was five pages
21 and that has the -- and that was
22 brought up to the Commission today and
23 that has the potential one lot
24 development for a single-family
25 residence.

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So that's all.

MR. SCHNEIDERMAN: Thank you.

So I am making a motion to close
the oral testimony and leave the
written record open for a month --
something like that.

MS. AGUIAR: I second.

CHAIRWOMAN GALLAGHER: So close
the public hearing and leave the
written record open for a month?

MR. SCHNEIDERMAN: Yes.

MR. MILAZZO: Yes.

MR. SCHNEIDERMAN: On the
amended application that involves just
the single-family dwelling horse
lot -- horse farm.

MR. MILAZZO: The voting members
-- so we have two recusals -- and we
have the County recused themselves and
the Town Of Brookhaven, so the three
members that can vote are Riverhead,
Southampton and the State.

So we have a motion from
Jay Schneiderman, is there a second?

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MS. AUGIAR: Yes, I second.

MR. MILAZZO: All in favor.

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

MR. MILAZZO: Thank you. Any
nos, any extensions to County and the
Town Of Brookhaven. So the resolution
rests. It's 3, 0, 2.

This hearing is closed. Thank
you.

(Whereupon, this hearing was
concluded at 4:20 p.m.)

* * * *

E X H I B I T S:

EXHIBIT	DESCRIPTION
K	Town of Brookhaven report
L	Gazza Letter 9/14/20, 14 pages
M	Gazza Letter 9/15/20, 5 pages

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

STATE OF NEW YORK

Ss:

COUNTY OF SUFFOLK

I, DOMENICA RAYNOR, Court
Reporter and Notary Public of the State of
New York, do hereby certify:

That the within transcript
was prepared by me and is a true and
accurate record of this hearing to the
best of my ability.

I further certify that I am
not related to any of the parties to this
matter by blood or by marriage and that I
am in no way interested in the outcome of
any of these matters.

IN WITNESS WHEREOF, I have
hereunto set my hand this 16th day of
September, 2020.

Domenica Raynor

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