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CENTRAL PINE BARRENS  
JOINT PLANNING and POLICY COMMISSION

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300 Center Drive  
Riverhead, New York 11901

May 16, 1995  
7:15 p.m.

**PUBLIC HEARING**

**ORIGINAL**

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

GEORGE PROIOS  
Assistant County Executive

BARBARA WIPLUSH  
Town of Brookhaven  
Representing John LaMura

BRENDA FILMANSKI  
Town of Riverhead  
Representing Deputy Town  
Supervisor James R. Stark

MARTIN SHEA  
Town of Southampton  
Representing Richard Blowes

WILLIAM SPITZ  
Representing Commissioner Cowen  
DEC

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

LORRAINE TREZZA

RAY CORWIN

DORIS ROTH  
General Counsel for Commission

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MR. PROIOS: I will start off by reading the Public Notice that appeared in local papers.

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

The Public Hearing will be held on three separate days at the following locations at seven p.m. We had one yesterday at the Town of Brookhaven. Tonight's is, obviously here in the Town of Riverhead, Riverhead County Center, 300 Center Drive, Riverhead, New York. Then on May 18, 1995,

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Thursday, we will be in the Town of Southampton, Hampton Bays Community Center, Jackson Avenue, Hampton Bays, New York.

Oral and written statements may be submitted during the hearing. It is advisable for the commentators to provide a written copy of their intended statements at the time of the hearing to facilitate recording this information into the hearing record. Written statements may also be submitted to the Central Pine Barrens Commission at any time, but must be postmarked on or before May 30, 1995 to be included in the hearing record. Written comments should be sent to the Central Pine Barrens Joint Planning and Policy Commission, 3525 Sunrise Highway, Second Floor, P. O. Box 587, Great River, New York 17739-0587, Attention: Raymond Corwin, Executive Director.

Nature of the action: The

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

Location of action; the Central Pine Barrens Area consists of 52,500 acre core preservation area that is surrounded by a 47,500 compatible growth area and is located within the Towns of Brookhaven, Riverhead and Southampton and the Villages of Quogue and Westhampton Beach in Suffolk County.

I will start off by introducing

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members of the Commission.

My name is George Proios. I am acting on behalf of the County Executive, Robert Gaffney, who is Chairman of the Commission.

We will start from my left first.

MR. SPITZ: I am Bill Spitz. I am here representing Commissioner Ray Cowen. Ray Cowen is the Governor's designee on the Pine Barrens Commission and he couldn't be with us tonight as he is in Albany on business.

MS. WIPLUSH: I am Barbara Wiplush and I am representing Supervisor John LaMura, Town of Brookhaven.

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

MS. FILMANSKI: I am Brenda Filmanski, the designated representative for Deputy Town Supervisor James

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R. Stark.

MR. PROIOS: Just a couple of brief ground rules. Almost half of you I think I saw here at last night's hearing.

We are here basically to hear what you have to say about the plan. If we open it up to a dialogue, we might be here way past midnight. We have been discussing things on and off for the past eighteen months. There is probably still room for a lot more improvement, but right now we are operating under the SEQRA Law which basically says we are operating a public hearing to hear public comments on what you feel is right or wrong with the actual plan. So, we are not going to be getting into dialogues where we try to answer questions. However, where we find there is a lot of misunderstanding we hope to be able to address that in our comments to your responses in the summary that we will

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provide at the end of this whole process.

I know from last night I think there is a lot of misunderstanding on exactly what this Plan is. So those of you who do have questions, please make sure that you do get our answers at the end of this whole process so that they are cleared up.

We only have around ten speakers now. We did have last night a five minute time limit, but I will try to be a little bit more open on that because we don't have as many speakers lined up. But, try to keep your comments as close to five minutes as possible.

The first speaker is John DeGregorio.

MR. DeGREGORIO: I am a resident of Remsenburg and I have lived in Suffolk County some twenty-five years. I have owned property out here almost thirty years. Almost thirty years ago I, along with two partners,



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bought a parcel of land in the Township of Southampton. Currently, it is about forty-five acres of land. In that period of time we've seen the zoning go from half acre up to five acres. We have seen the taxes go up almost twenty fold and the value reduced.

Currently, as you know, each time the zoning changed there were more restrictions put on sales, more problems in terms of environmental needs and not being a developer we were unable to get involved in all that it needs to develop a parcel of land of forty-five acres.

In addition to that, the parcel of land has 45,000 feet on Pleasure Drive, not too far from where we are tonight. It is a linkage between the greenbelt that emanates at this RCA property through the old teamster property and goes out east.

Almost a year ago the County sent appraisers out to the property. I

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think it was last June. The report was submitted to the County and we were assured that there would be a dialogue in terms of discussing the possibility of the County and/or the Town acquiring the land. It's our preference to keep it as open space. It is our preference to have it bought by the government so that the greenbelt through that very important area could be contiguous for whatever purposes the County and Town feel it will be good for the general public.

However, we are up against stone walls. As I indicated we are not developers as many of the people in the room are. We do not have the wherewithal or the knowledge or are willing to put the kinds of money into it to do that. It is almost impossible to sell it at a fair market value. Obviously, it could be sold overnight if we want to give it away to a contractor or developer, but we are not

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2 ready to do that at this point.

3           However, with the taxes  
4 increasing and the point that the land  
5 cannot be used by us for any purposes  
6 except to walk around it at this time  
7 and we don't need that, we would rather  
8 have the County residents do that if  
9 the County buys it.

10           I would like to find out what is  
11 holding up the discussions because it  
12 is an important parcel. We have been  
13 informed by the County that it is an  
14 important parcel, by the Town, by the  
15 current administration, at least two  
16 past administrations. We have been  
17 informed by the current administration  
18 of the County, as well as, two past  
19 administrations as they have turned  
20 over and yet we continue to find  
21 restrictions and problems to getting to  
22 a discussion level at this time.

23           I know you do not have the  
24 opportunity tonight to answer the  
25 questions, but on behalf of my two

1  
2 associates I want to register that  
3 publicly because we are beginning to  
4 feel the pinch with the taxes  
5 approaching \$20,000 a year and the land  
6 just sitting there and going down in  
7 value. We've looked forward to hearing  
8 from the County and/or the Town so that  
9 we can begin dialogue and everyone  
10 could benefit from this very beautiful  
11 piece of property.

12 Thank you.

13 MR. PROIOS: Thank you.

14 Let me break my own rule and  
15 just give you a very generic answer  
16 because of anyone else considering  
17 selling property. The County has a  
18 list that it must go by right now which  
19 was prepared by the Legislature. If  
20 you are not on the list right now, what  
21 the Legislature has told us is that  
22 until we spend that ten million dollars  
23 that was remaining, they weren't going  
24 to be changing that list. So for those  
25 of you who know that you are on a list,

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call me and we will find out what is holding it up. But, if you are not on a list, what we are waiting for is to continue spending that money, which we should some time this summer, and once that is done, we have another ten million dollars waiting to be spent for which we will create another list of priority projects.

MR. DeGREGORIO: I presume we are on a list since they have come out and appraised it, but I haven't gotten an answer as to where we are at.

MR. PROIOS: Just give me a call personally and I will try to find out exactly where it is and get back to you. I will give you my number of you have a pen or afterwards I will give it to you.

The next speaker is Anthony Sini.

MR. SINI: Having been a water man operator and having a north shore water I can appreciate some of the

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things that the Pine Barrens Organization is trying to do. But it also has effected me in another way. Over ten years ago I bought some fifteen acres of property, four of which was turned into a well field and the rest we tried to develop what we called South Rocky Point Acres.

Brookhaven Town gave us a preliminary approval and then also gave us final approval. And when we went into the Planning Board to give \$180,000 of bond to go ahead with the improvements we were advised that we were subject of Pine Barrens and they couldn't take our money.

So, when I hear the word "Pine Barrens," I shutter because at this point we had this subdivision that was stalled and the time in which we could get our release from the Pine Barrens took us beyond the time limit which we were allowed to finish our approval.

So what happened? I got Dave Sloan to

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go to the Pine Barrens that existed then and after many, many months he got a release because they, some couple of weeks later, they were thrown out of Court because they didn't have the authority to exercise what they had been exercising.

So, I hope the new organization will be a little different because right now my development, South Rocky Point Acres, has still not been approved because time went on. Then 25A came along and the bypass stopped the finish of it and, subsequently, I haven't been able to build myself a home. I am living in a house that I went into the Grievance Board today to tell them that I am living in a house that should be bulldozed down. And, this all happened because the Pine Barrens, who really didn't have the authority, had my whole development stopped.

Now, I still probably am subject

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to whatever entities are going to, but I just hope that the new entity will have some money to come up with if they are going to stop the use of the property.

Thank you.

MR. PROIOS: Thank you.

The next speaker is Jim Zizzi.

MR. ZIZZI: Hello again. My name is Jim Zizzi. I am the President of the Long Island Builders Institute. I am the National Director of the National Association of Home Builders. I represent the Business Alliance on the Town of Southampton on the Advisory Board for the Commission of the Plan and I also served on the TDR Board Commission.

I would like to read a letter from William Esseks, Counsel for the Long Island Builders Institute, which is addressed to Robert Gaffney, John LaMura, Ray Cowen, James Stark, Richard Blowes, The Foregoing constituting the



1  
2 Members of the Central Pine Barrens  
3 Joint Planning and Policy Commission.

4 Gentlemen, a public hearing on  
5 the "Proposed final Central Pine  
6 Barrens Plan and Supplemental Draft  
7 Generic Environmental Impact Statement"  
8 is scheduled for May 15, 1995, May 16,  
9 1995 and May 18, 1995. I ask that this  
10 letter be made a part of the record at  
11 each of the foregoing hearings and that  
12 it be read out loud to those citizens  
13 who appear for each hearing.

14 We represent the Long Island  
15 Builders Institute, Inc. It objects to  
16 these hearings taking place without the  
17 Commission members and the public  
18 having the initial and the final  
19 reports prepared and to be prepared by  
20 the "Harriman School" of the State  
21 University at Stony Brook, in  
22 accordance with ECL S57-0119(8), and,  
23 as discussed at page 25 of the "Plan"  
24 Volume 1 dated January 13, 1995. That  
25 same "economic analysis" is referred to

1  
2 on the 10th unnumbered page of the  
3 "Plan" issued under date of April 26,  
4 1995.

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

11 We have now brought a proceeding  
12 in the Supreme Court, Suffolk County  
13 entitled Long Island Builders  
14 Institutes, Inc. versus Central Pine  
15 Barrens Joint Planning and Policy  
16 Commission, Index Number 95-11218 and  
17 we await the direction of the Supreme  
18 court Justice assigned to this  
19 litigation.

20 The Commission's April 26, 1995  
21 notice sets forth the reason for the  
22 foregoing hearings. I submit that the  
23 Commission cannot properly fulfill its  
24 obligations pursuant to the notice and  
25 the Act unless the Commission members

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and the public have an opportunity to read, review and understand the Harriman Reports prior to your hearings on the "Plan." To have the hearings first and then make the Harriman reports available second is to deny the public and our clients procedural due process in violation of the State and Federal Constitutions.

We submit that the failure of the Commission to make the complete Harriman Reports (concerning the economic effects of the Plan upon local governments and property owners) available to procedural impediment in the way of it continuing with any attempted implementation of the Plan.

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

Respectfully submitted, William

1  
2 Esseks.

3 Personally, as we stated last  
4 night, I find that how unimportant this  
5 hearing must be because there is not  
6 one Commissioner present. I would like  
7 the record to show that.

8 Also, the thing that I was taken  
9 back by last night that there was no  
10 attempt to notify the property owners  
11 of these proceedings. How can a plan  
12 be developed without its major  
13 component, the economic analysis? The  
14 law is very clear. It cannot be. By  
15 statute that document must be presented  
16 within twelve months of the seating of  
17 this Commission. It was not.

18 Government would never permit  
19 private citizens to come into a  
20 municipality and ask for approvals of a  
21 plan and say we will come back later  
22 and we will give you the details of it.  
23 What would happen is we would be  
24 laughed out. Government is not above  
25 the law. The taxpayers of the State of

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2 New York, the County and the Town, as  
3 well as, school districts will feel the  
4 full impact of this act. Not only in  
5 the loss of taxes and the increased  
6 taxes that we will be paying, but the  
7 economic damage that will be brought to  
8 the areas because of the failure of  
9 this Commission to address the critical  
10 aspect of an economic analysis.

11 Thank you.

12 MR. PROIOS: Thank you.

13 The next speaker is Edwin  
14 Schwenk.

15 MR. SCHWENK: Ladies and  
16 gentlemen, thank you very much. And,  
17 George Proios, I would appreciate if  
18 you would extend a message to the  
19 distinguished County Executive that I  
20 saved myself from myself. I had a  
21 physical this morning, complete  
22 physical, and for age thirty-nine years  
23 old I am in pretty good shape.

24 Now, to get down to the business  
25 that we spoke about last night. With

1  
2 reference to the economic analysis  
3 there was one part that I didn't get to  
4 because the time, the five minute time,  
5 I was held to the exact second. I  
6 believe, in fact, I think there was a  
7 few seconds less that I was given.  
8 But, anyway, with respect to the  
9 economic analysis which Mr. Zizzi spoke  
10 about, I was told on December 10th, as  
11 a matter of fact at a Commission  
12 meeting which I had a Freedom of  
13 Information request with me, I was told  
14 by the County Executive "Don't bother  
15 with that today because it will be  
16 forthcoming in a couple of weeks."  
17 Well, a couple of weeks went by and not  
18 only the holidays and whatever, so then  
19 on the 12th of January we made a formal  
20 request for the economic analysis;  
21 "we," being the Long Island Builders.  
22 On the 9th of February we were  
23 turned down for that request. And on  
24 the 24th of February, after having been  
25 turned down, we wrote another letter

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2 and asked why. And, we are told under  
3 the law that we are supposed to be told  
4 why. As a matter of fact, I talked to  
5 Mr. Corwin and I have talked to the  
6 Counsel here, your Counsel with respect  
7 to that, and they said there would be a  
8 letter forthcoming. But, I guess they  
9 don't have enough money for postage to  
10 notify the property owners in the core  
11 areas of these hearings so they didn't  
12 have enough postage to send us a letter  
13 because we never got one. We think  
14 that is wrong.

15 We think the whole thing on the  
16 economic analysis is wrong. We also  
17 happen to know, and I believe we will  
18 subpoena the witness to the fact that  
19 on November 7, 1994 you were given an  
20 economic analysis at a cost of some  
21 \$95,000 of taxpayers' money; taxpayers'  
22 money of the entire State of New York.

23 We, therefore, don't believe  
24 that this Commission has any right  
25 under any condition whatsoever to hold

1  
2 that economic analysis in abeyance and  
3 not share it with the public and not to  
4 let people be informed. And, most  
5 particularly, we are concerned about  
6 the Long Island Builders, you're right.  
7 Because when this Plan is all done, if  
8 it is adopted or whatever, then the  
9 Legislators and, I speak of Senator  
10 LaValle, I speak of Assemblyman  
11 DiNapoli, I speak of all of you people,  
12 as well; if it is adopted, and there  
13 will be some problems if it is, but  
14 once it is adopted you know who will  
15 be left with the problems, it is going  
16 to be the property owners and it is  
17 going to be the builders.

18 And, you know what? We have had  
19 the least to say of anybody in the  
20 entire hearing procedures that have  
21 been held throughout the eighteen  
22 months. We have supported you. We  
23 have given you the restoring of promise  
24 which is a document that we gave to you  
25 after the original draft plan back in



1  
2 July of last year. We have given you  
3 the review procedures documented. And,  
4 you know what, I don't think anybody  
5 gave a damn about any of it and we  
6 don't like that.

7 Particularily, the fact that when  
8 the last was put together, myself and  
9 other members of Long Island Builders  
10 and New York State Builders with Mr.  
11 Amper and company, we were in Albany,  
12 we were at the Suffolk County Water  
13 Authority, we were at many, many places  
14 where this law was put together. We  
15 are still in favor of the law, but the  
16 law does not follow the spirit or the  
17 intent of it. The Plan is wrong.

18 Nowheres did we ever discuss 75  
19 percent of core area being acquired,  
20 that is a new thing. And, we have  
21 objected that from the very beginning.

22 Nowheres have we ever gotten to  
23 the point where a 1:1 ratio with  
24 respect to receiving areas, from  
25 sending areas, from the core area to

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2 the compatible growth area, as-of-right  
3 or anything else has ever been agreed  
4 upon; not by us yet it is in the Plan.

5 We do not think we have been  
6 given fair treatment. We hate to go  
7 through the Court procedures. We got  
8 in this thing to get out of it, but it  
9 looks as though that is where we are  
10 headed again.

11 So I ask this Commission and I  
12 ask you on behalf of the Long Island  
13 Builders and behalf of the public, make  
14 the economic analysis available. We do  
15 not want to buy a pig-in-the-poke, the  
16 public should not have that forced upon  
17 them to also buy a pig-in-the-poke. We  
18 see absolutely no reason in God's world  
19 why that is being held as the most  
20 secret document that has ever been  
21 established in the whole world and that  
22 is what is being done. We ask that  
23 that be made public.

24 We also ask that with respect to  
25 the things we talked about, the 1:1

1  
2 ratio, about the 75 percent acquisition  
3 that we brought in again prior to the  
4 adoption or whatever is going to happen  
5 on June 30th to go over this Plan again  
6 one more time so that we can be given  
7 what we consider to be the fair  
8 treatment that we think we deserve  
9 because we, we, we, were just as  
10 instrumental, as well as, anyone else  
11 in putting this law together. We would  
12 appreciate that opportunity. We do not  
13 want to go back to the Courts again and  
14 against, but if you force us to, then  
15 we are going to have to protect the  
16 industry. And, that is my job, Mr.  
17 Zizzi's job, Mr. David Scrolls' job  
18 (Phonetic), that is our job. We don't  
19 want to do it and, please, don't make  
20 it necessary. And you, only you, have  
21 the power to prevent that.

22 Thank you very much.

23 MR. PROIOS: Charles Siegel,  
24 Forest Hills.

25 MR. SIEGEL: Good evening,

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ladies and gentlemen, members of the Board.

I am a small single and separate parcel owner and I have had to get involved in this because my rights are being violated.

This is supposed to be a Public Hearing on the Proposed Final Use Plan. I object to the scheduling of all of these Public Hearings in the short review time this week and up to May 30th review by mail because the Constitution, the U. S. Constitution in New York State requires due process of law.

Now, the bound volume that I reviewed at the library today does not show what the January 13th Plan was. And, if you look at Section 6, the Pine Barrens Credit Program, it is like night and day. You have to go through line-by-line, word-by-word to make the differentiation between the two.

The same thing goes for the

1  
2 Supplemental Draft GEIS. The July 14  
3 one and this one is different. And,  
4 the point is, in order to have a decent  
5 amount of time to review this thing, I  
6 think everybody should get an extension  
7 time for the voting process to give  
8 everybody a chance to get a better  
9 input. Because it is impossible to  
10 review this thing properly. Now, I  
11 also have a solution to the problem  
12 with money regarding this which I  
13 proposed at the meeting when I  
14 testified last November. And who is  
15 the Governor's representative here; are  
16 you sir?

17 MR. SPITZ: I am.

18 MR. SIEGEL: At that time, the  
19 State tax on the electric bills with  
20 LILCO, I had recommended as a solution  
21 for a source of money that instead of  
22 cancelling that tax, which was under  
23 consideration at that time, and I don't  
24 know if it is now, instead of  
25 cancelling that tax channel that money

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into a just compensation fund that will alleviate a lot of problems.

Now, as far as the particular things in the Plan, I find that this April 26th Plan, the Land Use Plan, does not reflect the single and separate parcels of land that are listed on page 86 of the Supplemental Draft GEIS. In other words, the Credit Plan does not reflect what is in the Draft Supplemental GEIS Plan.

In Section 6 of the Pine Barrens Credit Plan in this Plan Section 6.3 in regard to separately assessed tax lots is not reflected in the allocations of Pine Barrens Credits.

The last thing is I find that everybody seems to be putting their head in the sand about the existing buildings. I know the law was passed without referring to it, but it makes common sense that if you have septic waste or other things on an existing parcel and here is vacant land, that

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2 the geological analysis of the affect  
3 of all these existing buildings,  
4 instead of acquiring them and getting  
5 rid of the roads due to the road salt  
6 and eliminating all the possible  
7 contaminants of the sole source  
8 aquifer, is we are putting our head in  
9 the sand. Because it is hard to  
10 believe based upon gravity flow that  
11 the waste from an existed building is  
12 not going to contaminate the aquifer.  
13 It is a simple logic and I find that it  
14 is just beyond me because I can't find  
15 anything in the Plan, in the GEIS, to  
16 show what really happens. And, I think  
17 we are all forgetting about it.

18 I also object to the value of  
19 \$7,500 per acre that was suggested for  
20 core preservation because I don't think  
21 it reflects fairly the just  
22 compensation provision that the House  
23 of Representatives in March of this  
24 year passed on the Private Property  
25 Rights Privacy Act which talks about

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fair market value. But, the basic fallacy is that people have held land and they wait for the road to be open and as the road is opened, then you sell it to the next one in line, so to speak. And, the fair market value does not reflect the fact that if you hold the property for a length of time, you will get a fair market for your property.

I say the guideline of \$7,500 an acre was, as I understand, it was one person that sold off a whole chunk of land and that is being used as the yard stick. I think that is hiding from the real truth and the real cost that may have to be paid for this thing.

Thank you.

MR. PROIOS: Thank you.

The next speaker is Edward Ledogar.

MR. LEDOGAR: Good evening, ladies and gentlemen. My name is Edward Ledogar. I am an attorney and I



1  
2 represent several property owners whose  
3 properties are being affected by this  
4 taking. Most of them within the core  
5 area, some of them in Riverhead.

6 We've reminded the Commission  
7 early in these hearings and I have  
8 spoken on several occasions during the  
9 past several years that the property  
10 owner should have representation in  
11 your deliberations. They have had  
12 none. You may reply to me that the  
13 builders group represents the property  
14 owners, and while this may be true to a  
15 certain extent, there is an important  
16 diversion in the builders group and the  
17 property owners interests.

18 For example, the builders group  
19 seems to be interested in buying up  
20 PBCs very cheaply. This is in their  
21 interest, but it is not in the interest  
22 of the property owners. We asked for  
23 representation. We heard nothing. The  
24 property owners have been left out of  
25 the formulation of these regulations

1  
2 and that in and of itself creates a  
3 climate for a de facto taking.

4 I am glad to see your section  
5 number 3 which talks about a goal of  
6 buying out 75 percent of the property  
7 owners. It should be 100 percent. As  
8 a matter of fact, we believe by law it  
9 will be 100 percent.

10 Perhaps, if some of the property  
11 owners decide to go PCB route, and that  
12 is up to them, it may be less than 100  
13 percent. But, they should be  
14 guaranteed because this is a taking of  
15 their rights plain and simple, a full  
16 taking of their rights. They should be  
17 guaranteed full compensation according  
18 to the Constitution of the United  
19 States.

20 Primarily property owners in the  
21 core must be given at least one PBC.  
22 The concept of fractional PBCs is like  
23 furring your nose at the rights of the  
24 small property owner. Each small  
25 property owner under the Constitution

1  
2 of the State of New York and the United  
3 States if he has owned that property in  
4 single and separate ownership since it  
5 was legal to use, has those rights  
6 preserved to him and you are giving him  
7 some small fractional -- him or her,  
8 some small fractional right that they  
9 must combine with some other fractional  
10 right is an insult.

11 I suggest you get that  
12 straightened out before these regula-  
13 tions are put in final form. Start  
14 with one right to one property owner.  
15 Then you may get the things in  
16 conformity with something that a  
17 property owner might be willing to go  
18 for in terms of do I get paid out in  
19 cash or do I get a PBC.

20 In the hearings held in  
21 September, 1994 pursuant to the request  
22 of the Commission, I submitted comments  
23 on behalf of my clients dated September  
24 27, 1994. I hear that they were  
25 excluded from the publication, but,

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perhaps, maybe they got into a supplemental publication. They should have been in the publication.

I would like to read to you the conclusions because most of them are still applicable in spite of all the work that has been done in trying to revise these proposed programs.

"The proposed plan seeks adoption of regulations and restrictions which are so complicated and burdensome that they constitute a complete taking of private property which they affect insofar as the so-called core area is concerned. And at the very least a partial taking insofar as the compatible growth area."

I would like to refer you to the new decisions of the Courts which passed out on the ability of the Pine Barrens Commission to do regulatory takings here. I think you should forget about regulatory takings because the law is moving in the opposite

1  
2 direction.

3 If and when the three towns  
4 adopt this Plan, it will be with fuller  
5 knowledge and realization of the  
6 incurring of the financial respon-  
7 sibility for payment of full compen-  
8 sation according to law for these  
9 takings. This idea that we cannot get  
10 the money from legislature is  
11 ridiculous. Whether you take it or  
12 not, once this is adopted it comes  
13 under the full face and credit of the  
14 State of New York.

15 The property owners will sue and  
16 under my understanding of the law will  
17 have the right to recover.

18 Can I have one or two more  
19 minutes?

20 MR. PROIOS: Sure.

21 MR. LEDOGAR: The proposed  
22 regulations for transfer of development  
23 rights is unfair, burdensome and  
24 complicated and seemingly predestined  
25 to failure. They are an undue penalty

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heaped upon an already depleted market-  
place.

I don't think anybody has given  
consideration to the dead real estate  
market that we have here in Suffolk  
County, unless it is to try to take  
advantage of the reduced values that  
these property owners can prove in a  
condemnation court.

Be that as it may, the property  
owners' rights should not be  
exasperated.

Now, perhaps my comment  
submitted at that time has been taken  
care of. I haven't had a chance to  
study this new draft because it wasn't  
available; for \$25.00 it wasn't  
available when I called the Pine  
Barrens Headquarters on Friday. I was  
told about some libraries which I  
couldn't get to.

I would like to remind you,  
also, that property taxation in the  
midst of confiscation is tyranny.

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2 Something has got to be done about  
3 ending the taxation of these properties  
4 as of the date of the adoption of these  
5 regulations. To adopt regulations,  
6 ruin all right to use this property,  
7 and then continue to tax the owner is a  
8 travesty on the system of private  
9 property ownership that we know in this  
10 country.

11 Thank you.

12 MR. PROIOS: Walter Olsen.

13 MR. OLSEN: My name is Walter  
14 Olsen. I am the cofounder of CPR, the  
15 Civil Property rights Movement. In  
16 reviewing the Management Plan and the  
17 DGEIS I continue to see numerous short  
18 comings, inaccuracies and simply  
19 morally wrong conclusions. as I listen  
20 to proponents of the Plan I  
21 continually hear it said that the Plan  
22 protects the environment while  
23 protecting the property rights of the  
24 individual property owners, large and  
25 small. I defy anyone here tonight to

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show me protection for the property owners in the Act or the Plan. It is a lie. It simply does not exist.

When I speak about property owners I speak not only for us selfish property owners in the core who, God forbid, want to either develop our property or be properly compensated for it, I also speak about those property owners in the compatible growth area. To date, they don't even know that they will be subjected to rules just as severe as those in the core and will be told to absorb the development forbidden in the core. They thought they scored a home run with the Pine Barrens Act. They thought the development would disappear. They were wrong.

When I speak about protection for the property owners I do not consider Article 78 proceedings and other legal recourse under the Constitution, which can take years in



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2 Court and untold thousands of dollars  
3 which most people cannot afford, to be  
4 protection. I do not consider dubious  
5 promises of elusive funding sometime in  
6 the future to be compensation. I do  
7 not consider the past example of \$6,000  
8 to \$7,0000 per acre for prime real  
9 estate to be compensation. I do not  
10 consider the current TDR Program to be  
11 compensation. I will explain this as  
12 follows:

13 Under the TDR Program small  
14 residual value will be left with the  
15 land owner. The government will not  
16 take title to that land, they will take  
17 only a conservation easement, thereby  
18 cleverly avoiding the appearance of a  
19 "taking" under the law. By doing this,  
20 they need not worry about "just  
21 compensation" as promised in the  
22 Constitution. This may be legal, but  
23 it is not fair and it is morally wrong.  
24 In addition, this does not free the  
25 land owner from his tax obligation for

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the property. To the contrary, he must continue paying taxes as a requirement to receive his Pine Barrens Credit. Current discussions also suggest that some tax assessors may not even be willing to reduce taxes after such conservation easements have been granted by the property owner. He will continue to choke on rising taxes for unusable land.

I beg to differ with Mr. James Tripp, General Counsel to the Environmental Defense Fund, who stated last night at the Brookhaven Public Hearing, that receiving areas were adequate and attractive in order to make the TDR Program appealing and workable. For the most part, Mr. Tripp, the receiving areas are garbage. I invite you, Mr. Tripp, to exchange your home to live at the abandoned drive-in theatre in Riverside. Or perhaps the area of the drag strip in Westhampton near the abandoned missile

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site and landfill area. Or perhaps between the railroad tracks and Montauk Highway. I doubt you will take me up on my offer of trade and I won't take your offer either.

In closing, the reason we are here tonight objecting is because we were ignored over a year ago when we insisted that this extraordinary plan required extraordinary protection for property owners in order to work. I explained that the usual tactics would not be tolerated. I pursued this goal throughout the planning process and was ignored. The property owners in both the core and the compatible growth areas have been ignored.

I urge you to vote no on this unfair and ill conceived plan. Listen to the property owners and voters, not the special interest proponents of the Pine Barrens Act. Vote no.

Thank you.

MR. PROIOS: Henry Dittmer.

1  
2 MR. DITTMER: Ladies and  
3 gentlemen of the Commission. I was  
4 hoping to see some elected officials  
5 here today and five minutes is not  
6 really enough to go through two volumes  
7 of this Plan. I mean, five minutes is  
8 really not enough time.

9 But, anyway, this evening I want  
10 you to think about what you are doing  
11 to the people and how you are affecting  
12 their lives. Specifically, how the  
13 Comprehensive Land Use Plan that you  
14 have created destroys property values.

15 Do you know that builders  
16 already refused to buy land in the  
17 Compatible Growth Zone?

18 I, myself, was told by two  
19 different builders that they just don't  
20 want to be bothered with the extra  
21 paperwork. They have not even seen  
22 your Plan. They just want no part of  
23 it.

24 Do you know property values in  
25 other areas like East Hampton are

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substantially higher for similar properties? Why is this Plan so complicated and unfair to the property owners; because property owners had no representation or input or part in drafting it. You ignored our suggestions.

I could re-read my speech at the September 28, 1994 hearing. None of our ideas or suggestions were used. We were ignored.

First, the Plan is clearly designed to subvert the just compensation clause of the Fifth Amendment by steering people into something they don't want; TDR rights. By making the TDR Program voluntary, you make it difficult to attack in Court as a taking. You are trying to thus avoid the question of just compensation. Very clever. But, in truth, this TDR Program is not voluntary. Not voluntary because you have left no other sensible choice.

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People cannot afford to wait five, ten, twenty years for acquisition. And, the average middle class person doesn't need a tax write off, so a donation of his land is no real alternative, he will sustain a loss.

Another choice offered is the recreational use of this land. We already have this right, we own the land.

Gentlemen, if you cannot build on your land, this is a ridiculous suggestion. All the so-called alternatives are by and large impractical or silly. Nobody would choose them freely. You have thus steered us into the TDR Program. Thus, the Program is not voluntary but the lesser of evils. And, in fact, a subject to the just compensation test of the U. S. Constitution.

Gentlemen, the alternative of being shot or hung is not a voluntary choice.

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Now, if you have a \$50,000 lot in the core and get paid with a TDR, do you honestly believe you can sell that piece of paper for \$50,000? I would be lucky to get half that.

The property owner's loss is the builder's gain. TDRs are obviously less desirable than cash so something extra should be offered. If one and-a-half TDRs were 150 percent, that is in TDRs were given the program would become fair. Why must the average land owner sustain a loss? You should make sure they are made whole. Anything less amounts to theft; a land grab.

Doesn't this Board realize that people will hold you responsible for their predicament? This land flies in the face of less government and less regulations. The people want a smaller government, a less expensive government. The Plan is like a gas guzzler, it is too expensive. You have an old model car here, like a Studebaker or an Edsel.

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Have you read Chapter 7 in Volume 1? It is another OTB Jobs Program. Why must so much money be wasted on an administration when you don't even own the land yet?

I think the following paragraph ought to be inserted in Chapter 3, 6 and 7. Titled "Initial Funding Must Be Dedicated." The expenditure of all funds must be restricted and limited to the acquisition of fee titles, easements and covenants. And, only the necessary expenses to acquire same. Only and until all the privately held vacant lands have been purchased or given TDRs, is there to be any funding provided for other purposes such as the implementation of Chapter 7, et cetera, et cetera. Until land owners have been compensated in full all other expenditures must be deferred.

We thus want a guarantee that all property owners inside the proposed preserve are compensated in full before



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any money is spent on annually created jobs, surveys or studies. Shouldn't the land be bought and paid for first?

The losers in the Plan are the small land owners, home owners, farmers, nurseries and businesses and small industries. All of whom are taxpayers and voters. Each one of these groups has their property rights and property values effected by the Plan. They all face unavoidable financial losses in one manner or another.

In conclusion, if you cannot come up with a better, simpler, fairer Plan than this, then we are all better off with no Plan at all. When the losers become winners then they will become supporters.

Continue buying the land under the old program except faster. We do not need another wasteful State agency. Defeat the Plan that destroys property values.

Thank you.

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MR. PROIOS: Louis Stark.

MR. STARK: Look around here, who have we got? Just think, another few years you could -- you bunch of grave robbers can get their properties from their estates. Look at them. Another five, ten years.

You know about thirty years ago Nature Conservancy came around and says "Why don't you give us your property and you can take a tax deduction?" Well, I didn't see to that but, strangely enough, about that time shortly after I turned down Nature Conservancy, the taxes started going up. They went up from \$250 a year to over \$10,000 a year.

Not only that, the property is up-zoned from 20 X 100 lots, then to one acre lots, then up to five acre lots.

Not only that, the County or State put in all these programs, wetlands, open space, fresh Peconic, this and that; delay, delay, delay.

This has been delaying for over thirty

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years since the County Planning Commission recommended that the County pick up the property.

Thank you.

MR. PROIOS: Olin Warner.

MR. WARNER: I am Olin Warner of Riverhead, Calverton. My wife and I own our house and thirty acres which have been in our family for about seventy years.

In 1986, the New York State Legislature enacted the Wild Scenic Recreation Rivers Act which proposed restrictions on my property making it unmarketable. In effect, condemning my land without compensation.

Now, with the Pine Barrens Law, also enacted by our State Legislature, is ratified. These lands will be further devalued. This will leave me with land that I have paid taxes on but with no chance of obtaining fair market value.

In my opinion, transfer

1  
2 development rights will only benefit a  
3 buyer and not sellers.

4 Furthermore, appraisals for  
5 purchase with County and State monies  
6 if, in fact, any substantial amount is  
7 forthcoming, will no doubt be based on  
8 the lands value of all of the previously  
9 mentioned restrictions. This is by no  
10 means fair market value. And, this is  
11 blatantly circumventing the U.S.  
12 Constitution's guarantee of private  
13 property rights.

14 Finally, if this becomes law,  
15 will our towns and school districts be  
16 reimbursed for the loss of taxes when  
17 lands within the Pine Barrens boundaries  
18 are removed from the tax rolls? I have  
19 often been told that these laws have  
20 been enacted for the benefit of the  
21 majority of the people of the State. If  
22 this be true, then the people of this  
23 State must be willing to pay for my  
24 land.

25 Thank you.

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MR. PROIOS: George Schmelzer.

MR. SCHMELZER: The Riverhead Town Board Meeting is tonight, every first and third Tuesday, and you know about it, too. You sneaky weasels. You have it tonight to split the people so half of them there, half of them here. Why don't you have it tomorrow night when you have a free night? You can't answer, can you. That means you are damn guilty. What a bunch of God damn weasels. Really, who did this?

How many members on the Commission own land in the Pine Barrens? You don't own any or are you ashamed to say; which is it? I mean, by law, anybody in a government project who owns property involved is supposed to disclose it. You are all smart enough not to own any.

Value of land, we are afflicted with Pine Barren flight which nobody will touch the land, nobody will buy it; why should they? And, that Pine Barren flight depresses the value of land and

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that is what you are going to use.

Nice.

If the Pine Barrens Commission becomes law, it is responsible for no one but itself, little dictator within itself, just like the Port of New York Authority.

Answer from no one.

You can change the rules any time you want to; isn't that right? Damn right it's right. You won't even answer, none of yours.

I've heard some people say "We have to have controlled burning for the woods." Firemen spend hours and hours to put the fires out in the woods and now we are going to have controlled burning. What do you call that environmental arsonists? Environmental arsonists are legal and ordinary arsonists is unlawful. See the difference?

Now, you said you need the water. Nassau County is all developed, it is

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not crying for any water, yet. What do you need the water here for? We've got plenty of water.

If this goes through New York State puts up the money for lands, they can take the water and bring it to Nassau and Queens if they want to, because they own the land there. And, you know it's true. Is that what you want?

No answer.

How about the small land owners within the area? Are they going to get paid? Just let them rot and lose their lands through taxes.

Why did you make River Road, Calverton part of the core area? About fifty houses are there, some before the turn of the century. How come that was put in the core area?

No answer.

What the hell did you have this meeting for if you never get an answer?

MR. PROIOS: I thought I

1  
2 explained it. We are just here to  
3 listen to comments. We have a lot of  
4 explanations.

5 MR. SCHMELZER: You damn right  
6 you do, that is the trouble. You never  
7 get any explanations.

8 How about the school taxes? I  
9 heard in another meeting this is a  
10 forest preserve like upstate. The  
11 Adirondack Forest Preserve, the State  
12 pays the school taxes. Is the State  
13 going to pay the school taxes down here  
14 in this preserve?

15 No answer, again.

16 Gee, there is no use in even  
17 continuing this meeting because you  
18 don't know what goes on or you don't  
19 want to tell us or you don't know;  
20 either you don't know or you don't want  
21 to tell us. Which is it; maybe you  
22 could answer that, at least?

23 MR. PROIOS: If you would like  
24 to come to subsequent meetings that are  
25 not hearings on this document and go



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over any specific items, we would be happy to do that. We will be happy to sit down and have a whole session like we have had in the past on fire climaxed communities and why we think fires are important, which is not done on Long Island. It is done as far to the west with the Sequoia redwood trees. It has been documented as to why we are doing these things in this report and we will be happy to discuss any aspect of it.

But, right now we are just here to listen to what you have to say to specific items in this document.

MR. SCHMELZER: I hear some of these people would like to bring the rivers back to the way they were at colonial times. Peconic River you would have to blow up all the dams and make it ten feet wide like it was. Is that what you want?

This meeting is useless. We don't gain anything or learn anything. You cannot even answer why you had this

1  
2 meeting the same time as the Riverhead  
3 Town Board Meeting tonight. I have an  
4 idea why. You are very sneaky about it.  
5 It was done on purpose. Why couldn't  
6 you have had the meeting tomorrow night?  
7 Don't know, huh?

8 That's about it. No use speaking  
9 here. It is like talking to the wall.

10 Thank you.

11 MR. PROIOS: Arlene Zeh.

12 MS. ZEH: We are here on behalf  
13 of ourselves. We feel those who do not  
14 own property in the Pine Barrens should  
15 not be eligible to vote on the  
16 decisions.

17 Two, this matter has been talked  
18 about and studied since the 208 Water  
19 Study which is the last twenty years.  
20 The crime on the matter is that the  
21 property owners must keep paying the  
22 taxes while the officials keep placing  
23 restrictions and moratoriums on the same  
24 property.

25 Three, after the 208 Study, we

1  
2 attended a work shop taught by Arthur  
3 Kahn. He stated, at the time, that half  
4 acre zoning for houses only, no  
5 businesses or industry would not deplete  
6 the water supply. At that time the  
7 Suffolk County Health Department set the  
8 zoning for one acre.

9 Four, in 1984 the Long Island  
10 Regional Planning Board wrote the "Nine  
11 Point Source Management Handbook," based  
12 on the 208 Water Study and et cetera  
13 information. This book has twelve  
14 sections: One, the Introduction; Two,  
15 Land Use; Three, Storm Water Run Off;  
16 Four, On Site Systems; Five, Highway  
17 Deicing; Six, Fertilizer; Seven, Animal  
18 Waste; Eight, Wells and Water Supply;  
19 Nine, Boat Pollution; Ten, Site Plan  
20 Review; Eleven, Ordinance; Twelve,  
21 References.

22 Five, is the current Plan you are  
23 proposing going to be workable or are  
24 the goal posts going to be changed  
25 again, as well as, has been in all

1  
2 levels of our current government?

3 For example, in Brookhaven, Pine Hills  
4 is seven hundred units and golf courses  
5 was to have acreage set aside to remain  
6 an original estate, but two years after  
7 all this was done the property was  
8 dedicated by the Town to the Parks  
9 Department. Now, twenty years later,  
10 they want to take it all down to build a  
11 sports complex.

12 Six, the County bought the Evans  
13 Estate to preserve nature and the  
14 wetlands. Now, they are debating if it  
15 should be turned into a golf course.

16 Seven, the State Lottery was to  
17 go against education costs. That was  
18 the original intent and this was done  
19 for one year. And then the rules were  
20 changed. And the monies now goes into  
21 the government's general fund.

22 Eight, we ask you, again, will  
23 the rules be workable and allow the  
24 property owner to go forward with their  
25 investment or will the rules go

1  
2 according to the whims of the nimbi's  
3 and the special interest groups?

4 Thank you.

5 MR. PROIOS: Laurie Farber.

6 MS. FARBER: I am Laurie Farber  
7 of the Conservation Chair for the Long  
8 Island Sierra Club.

9 I want to say that I think the  
10 Central Pine Barrens Plan is really a  
11 legacy for the future.

12 This is what is going to  
13 determine what kind of future we leave  
14 to the future of the people of Long  
15 Island. As I talked to people who  
16 really liked some of Long Island's wild  
17 places, I find that more and more of  
18 them are considering leaving this area  
19 because they don't really want to live  
20 in a very urban and suburban kind of  
21 situation.

22 I teach a college class on the  
23 environment and I often share with them  
24 the maps of New Jersey Pine Lands and  
25 the Plans that they have there. And,

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they look at them and say "Why can't we have it here on Long Island, too?"

I think that the adoption of this plan in June is not the end, it is just the beginning. And, we can and must continue to try to improve this so we can provide a better legacy for our children.

MR. PROIOS: Richard Brennan.

MR. BRENNAN: I am Richard Brennan. I live in North Babylon, New York. I own thirteen acres in the Pine Barrens. It was given to me through an estate.

My family had property condemned three times on Long Island, big parcels of land from Valley Stream, North Babylon and now the Pine Barrens, which is mine. They are dead, but I look at these people and they look just like them.

What are you doing to Long Islanders? These are the heart, the whole eye of what started and you are

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taking it from them.

Look at their faces. I feel sorry for them. I really don't think it's fair. It hurts me.

That is all I have got to say.

MR. PROIOS: That is all the cards I have. Is there anyone else who hasn't filled one out that wishes to speak?

MR. AMPER: I hope you won't take it from the people who came here. I hope you leave a little bit for those of us who are still here. It's a tough call we are up against, a very, very difficult struggle between the battle between property rights and environmental protection trying to keep things the way they are.

MR. BRENNEN: I don't blame you. It is just that the funds aren't there. If they were there, I would --

MR. AMPER: I understand what you are saying.

MR. BRENNEN: You can have the

1  
2 lands, just pay for it.

3 MR. AMPER: The man is  
4 absolutely correct. We are going  
5 through changes here on Long Island that  
6 we have just never seen before. And, we  
7 need to protect the places that have  
8 been so important to us for a long time,  
9 but we need to pay the people that own  
10 that land. Give them fair compensation  
11 for it.

12 Where are the guarantees and, in  
13 life, there are very few guarantees. In  
14 fact, the only guarantees that exist are  
15 for the private property owners. There  
16 are guarantees under the Constitution  
17 and there are also guarantees under the  
18 Pine Barrens Law which say "If we cannot  
19 provide fair, honest compensation, you  
20 may build." That has been forgotten.

21 You Commissioners are not engaged  
22 in property takings or running rough  
23 shot over the Constitution. You are  
24 trying to do right by Long Island. And,  
25 I think you ought to. We do need to



1  
2 fairly compensate these people. They  
3 are right. And, we need to provide for  
4 that 98 percent of the land that has  
5 been preserved on Long Island has been  
6 paid for fair market value.

7 Jim Zizzi of Builders Institute  
8 is one of those who obtained those  
9 dollars from fair market acquisition.  
10 So, we all ought to be supportive of  
11 that. Those out here, including  
12 counsels for private property owners,  
13 should say the builders are out to  
14 obtain land in the cheapest possible  
15 price under the TDR Program. This may  
16 or may not be right.

17 TDRs are an important part of the  
18 program. But, if we want fair market  
19 value, and they want to be bought out,  
20 the State ought to pay for it. I think  
21 that is right and I think that is fair.

22 The private property owners are  
23 the only ones who do have a guarantee.  
24 Their land will not be taken, cannot be  
25 taken. The rest of us are engaged in

1  
2 an act of faith.

3 George Schmelzer asked before  
4 about school taxes. School taxes have  
5 escalated enormously because of over-  
6 development. We are building to try to  
7 control school taxes. We are going to  
8 buy the land, by transfer development  
9 rights in a manner that is fair.

10 Every one of the Town representa-  
11 tives here has designed a program that  
12 is fair, that doesn't conflict with  
13 school districts and it can't under this  
14 law. They have really tried very hard  
15 to do that.

16 They ask "Are you smart enough  
17 not to own land in the Pine Barrens?"  
18 Apparently, he isn't. He is coming to  
19 meeting after meeting and talks about  
20 those of us who live on small parcels.  
21 It almost sounds like those of us who  
22 can't afford land aren't entitled to any  
23 protection. Well, I think the gentleman  
24 who said "If we are going to protect  
25 Long Island, let's share it with anyone

1  
2 but let's pay the fair market value of  
3 the private property owner for that  
4 land."

5 I think that is all very true.  
6 Most of all, my principal message is one  
7 that I think the Commission does need to  
8 address and we haven't fairly addressed.  
9 I think the Commission has really tried  
10 to balance the interests of developers,  
11 environmentalists and civic groups and  
12 school interests and private property  
13 owners. I really think you have tried.  
14 I think you have really done a first  
15 rate job.

16 We are not happy with everything  
17 because we are from the environmental  
18 community, we would like it all to be  
19 environmental. I think the private  
20 property owners would like to think  
21 everything is worth \$50,000 an acre,  
22 which sadly it isn't. But, whatever the  
23 fair market value is, let's pay it.

24 One thing we haven't done and we  
25 still need to look at, but one thing

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that is glaringly wrong to me and so many people out here, there is a lot of people paying taxes on land that, under this Plan, they cannot properly develop. We better square that with them, I think. I am not quite sure the Plan has done that yet.

Taxation with representation is tyranny. The fact of the matter is if the citizens of the State of New York and County of Suffolk have done more than any peoples in the entire United States of America are going to be fair by their neighbors. We got to pay for their land if we take it from them, but in the meantime we cannot tax them if they can't use it. The Plan hasn't done that yet.

We all need to sit around the table. I know you are all here just listening tonight and you are right, George, to say this is the night to take testimony and hear what the people have to say. But, there needs to be a

1  
2 further dialogue of how we are going to  
3 deal with people who are paying taxes  
4 and don't get to use the land and those  
5 lands that we need to preserve to  
6 protect drinking water and protect  
7 habitat, you have to pay people for it,  
8 fair and square.

9 But, we have gone this far with  
10 it. We have gone an enormous distance  
11 to try to reconcile all of what Long  
12 Island was before and what it could  
13 still be if we make an effort.

14 Let's finish the job. Let's not  
15 doubt, let's not be cynical, let's not  
16 believe the money's not going to be  
17 there to pay people and the developers  
18 are going to take advantage of the  
19 private property owners and the environ-  
20 mentalists who are going to keep  
21 developers from making an honest buck,  
22 let's all stay at the table and work out  
23 the last details. And, one of those  
24 have to be the issue of taxes. Let's  
25 work on that as we continue.

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It's not over yet, it is only just beginning but it is a good beginning and we support it.

Thank you very much.

MR. PROIOS: Thank you.

Anyone else that wishes to speak that didn't fill out a card?

MR. LITVIN: I am a landowner from Manorville. I live on a large track of land which I have had a lot of trouble with development rights which I don't feel is fair.

MR. PROIOS: Could you just give us your name, again, please.

MR. LITVIN: Joel Litvin.

I think this whole Pine Barrens thing is a farce. It is a waste of the taxpayers' money.

I think if they want to save water, which is the whole primary concern for this whole thing, is ground water supply.

I bought a copy of the early draft plan from the Pine Barrens and in

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it it showed this big aquifer that is underneath Long Island which is so large that in two thousand years we could not drain that water. Now, what are they complaining about not having enough water supply if there is such a large aquifer underneath Long Island?

So, I feel -- and they proved it themselves that it was there, the Pine Barrens themselves. If that is there, they should stop the whole waste of the taxpayer's money to make a Pine Barrens Association.

If they want to do something with it environmentally, take that same money that they are spending on the Pine Barrens or this whole Commission or all these plans and developing and do it towards something that might be more useful like maybe taking a water generator from the Atlantic Ocean and developing that into energy instead of having LILCO and, at the same time, you can make a desanitization plant out of

1  
2 that same power plant that is making  
3 electricity you could make fresh  
4 drinking water which would make more  
5 sense than to condemning ~~in~~ all of the  
6 land around for everyone.

7 That is all I really have to say.

8 MR. MORGAN: I will be brief, my  
9 name is Seth Morgan. I am a resident of  
10 Manorville, Town of Brookhaven.

11 This fellow really got to me and  
12 I will tell you, as I look around here  
13 tonight and, sir, you are the one down  
14 from the Governor's office? Is the  
15 Governor's representative here tonight?

16 MR. SPITZ: I am.

17 MR. MORGAN: Right there, okay,  
18 sir.

19 I see a lot of faces here that I  
20 have known for twenty, thirty, forty  
21 years, forty-five years or more. A lot  
22 of them Republicans and now I see them  
23 coming in and begging their own  
24 government to get off their back, to do  
25 what they are supposed to do; which is,



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to protect their rights.

I have been a vociferous spokesman against the abuses of government for many years out here in this County. And, I have seen, you can tell the Governor I didn't vote for him, but I wish him all the luck in the world. I think he has got a good direction ahead of him. I think he can be a great Governor but he has got to get a grip on this thing. He has got to listen to these people who are interested in business, industry, not in a totalitarian dictatorship in the State. We don't need it. We don't want it. It won't be good for us.

That is my message to the Governor and to these people who are here. I wish you all the good luck in the world. It just breaks my heart, and as you can see, it moves me to tears to see these things happening. I think it is an outrage.

And, you know what my feelings

1  
2 are about this exchange, this land grab  
3 to get private property away from the  
4 hands of American citizens. I remember  
5 back to the 1930s when Franklin D.  
6 Roosevelt in 1932 won the election. Of  
7 course, I was a youngster then but I  
8 remember in 1933 when he recognized as  
9 President -- recognized the Soviet  
10 Government of Joseph Stalin, who then  
11 almost immediately went on to march into  
12 the Ukraine, for example, not to mention  
13 other states and areas before in a  
14 totalitarian land grab. Almost the same  
15 thing is happening today around the  
16 world. We see it in a place like  
17 Chechen, which has nothing to do with  
18 this, but what I am saying here is that  
19 history is repeating itself.

20 And, I wish my American friends  
21 good luck in their endeavors here. I  
22 hope they are strong and able to  
23 withstand these onslaughts. I hope that  
24 they see the light and know how to  
25 express themselves and know how to teach

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their children and grandchildren while there is still time.

Thank you very much.

MR. PROIOS: Is there anyone else who wishes to speak?

MR. SCHMELZER: It is too late for five acre zoning. If every organization has two acres or five acres, do you realize we would have no farmland left now? It is all gone. It is a waste of land. The rezoning is. And if they didn't want people to come out here, tell our Federal Government to cut up that third world immigration to New York City. That crap, human crap down there. They move out here, that is the reason for it. The only reason.

And, let's do with the water what the Arabs do with the oil. All the landowners in the Pine Barrens put on an Arab rag like Arafat does and we'll sell the water that you want. Do you want to buy the water? Do you want to buy the water? Just leave the title to us. You

1  
2 can buy the water. No, you don't want  
3 to buy anything, you want to steal it.

4 Okay, that's it.

5 MR. PROIOS: Yes.

6 MR. SIEGEL: My name is Charles  
7 Siegel. I spoke before, but I would  
8 like re-emphasize the idea that maybe it  
9 would be a good idea at this time to get  
10 the Legislature to give the Commission  
11 and the towns three more months that  
12 they should extend the time to vote on  
13 this thing so that everybody is not  
14 under pressure and maybe this thing  
15 could be fine tuned. It is also an  
16 election year. Our leaders, I think  
17 they know that and it is better not to  
18 have this as an issue between people in  
19 the community when there is an election  
20 going on that is going to be very  
21 important.

22 As far as the money goes, I want  
23 to re-emphasize the proposal I made  
24 about the LILCO electric state tax  
25 charges on there. It was accepted with

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good vibes by the Governor's representative in November and I haven't heard Governor Pataki talk about tax cuts in this particular item. But, I think it would be a hell of a good idea because everybody is used to paying this tax now and there would be a lot of money and it would be spread upon all the beneficiaries of the sole source aquifer.

I think you need more time, to postpone this thing, at least until the summer so everybody can get all the objections better in line and also this tax business of people paying taxes and they cannot use the land. This is going to be a terrible thing for any politician. I am saying it is dividing everybody in the County and I think it is time to postpone it a little bit, give you people a breather and time to raise the monies from another way.

Because, the House Bill Number 9, the Bill I talked about before which was

1  
2 passed by the House of Representatives  
3 about compensation for fair market value  
4 for the properties is going to be a very  
5 big thing at the discussion at the U. S.  
6 Senate shortly. And, what I am saying  
7 is this fair market compensation  
8 business of fair market value right now,  
9 it was in yesterday's Times, as a matter  
10 of fact. On the front page there is an  
11 article and if you go to the back page,  
12 you will see the formula that they  
13 suggest. What I am saying is it is time  
14 to take a step back and look at this  
15 thing without the vote coming up and  
16 staring everybody in the face.

17 Thank you for your time.

18 MR. PROIOS: One final comment  
19 and then we will close this hearing.

20 MR. BRENNAN: I am Richard  
21 Brennan. What I want to bring up is  
22 like all the money that is brought in  
23 right now in taxes out of the Pine  
24 Barrens. Now, this money, once all this  
25 land is acquired by the County and the

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State, someone has to pay this money. Now, will that money be transferred over to the receiving areas to pick up this tab or all of Suffolk County or the State?

How will this work? The school districts still need this money, the Police Department needs the money, the Fire Department, also. You can't say let's forget about forty million dollars. Where is this coming from; the receiving areas?

I'm <sup>in</sup> North Babylon right now. I have a half acre of land. I am paying \$7,300. Is that what you want out here? That is what it is going to be, watch.

MR. PROIOS: I want to call the hearing to a close. I want to remind everybody, again, that the comment period of making comments will remain open until May 30th where you can submit them to the Commission's central office in Great River.

And, then on Thursday, May 18th

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there will be a third Public Hearing at  
the Town of Southampton at the Hampton  
Bays Community Center located on Jackson  
Avenue.

Thank you for attending.

(Time noted: 8:45 p.m.)

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CERTIFICATION

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

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

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

Kristina Singrossi

KRISTINA SINGROSSI

\* \* \* \*