
CENTRAL PINE BARRENS
JOINT PLANNING and POLICY COMMISSION

Hampton Bays Community Center
Jackson Avenue
Hampton Bays, New York 11946

May 18, 1995
7:15 p.m.

PUBLIC HEARING

ORIGINAL

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

GEORGE PROIOS
Assistant County Executive

JOHN GIRANDOLA
Town of Brookhaven
Representing John LaMura

BRENDA FILMANSKI
Town of Riverhead
Representing Deputy
Town Supervisor Stark

MARTIN SHEA
Chief Environmental Analyst
Southampton Representing
Richard Blowes

KATHLEEN SHIGO
Representing Commissioner Cowen
DEC

JIM RIGANO
General Counsel for Commission

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

LORRAINE TREZZA

RAY CORWIN

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MR. PROIOS: I'd like to call the meeting to order.

My name is George Proios. I am Assistant County Executive on behalf of County Executive Robert Gaffney who is the Chairman of the Commission. I will be chairing this meeting here tonight.

I will let the members of the Commission introduce themselves and who they represent.

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

MS. SHIGO: I am Kathy Shigo, I am representing Ray Cowen who is the Regional Director for the Department of Environmental Conservation. He is the Governor's appointed representative.

MS. FILMANSKI: I am Brenda Filmanski representing Deputy Riverhead Town Supervisor James R. Stark.

MR. GIRANDOLA: I am John Girandola representing John LaMura,

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Supervisor of the Town of Brookhaven
and Co-chairman of the Commission.

MR. PROIOS: For the record, I
am going to read the Public Notice for
the record with respect to this
hearing.

"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. This is the
third one in the Town of Southampton at
Hampton Bays Community Center, Jackson
Avenue, Hampton Bays, New York.

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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, 2nd Floor, P. O. Box 587, Great River, New York 11739-0587, Attention: Raymond Corwin, Executive Director.

Nature of the action; the action involves the preparation of a Comprehensive Land Use Plan for the Long Island Central Pine Barrens area. The purpose of the Plan is to provide a

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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."

Once again, the basic ground rules are that you are here to address the Commission. The Commission just wants to listen to the comments and testimony of the individuals. We are

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not here to answer questions,
unfortunately. We are not here to get
into a debate either with the audience
or ourselves or yourselves, or the
people presenting testimony. We just
want to know what you feel is right or
wrong with the Plan and then we will
attempt to sympathize those comments,
then come up with responses.

It may result in changes to the
Plan and if you need to have dis-
cussions further, other than in this
forum, we will be happy to listen to
them in the upcoming meetings which we
have every Wednesday rotating between
Riverhead and the Medford offices in
the Town of Brookhaven. All you have
to do is contact Ray Corwin about
wanting to attend a future meeting and
he will let you know when that is.
Then we could have a discussion about
the Plan. But, we don't have time to
do that here tonight.

If anyone hasn't filled out a

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card, please give it to one of the people standing at the door. The ones I have right now I am going to take in the order I receive them.

We will be starting off with a former member of the Commission who was smart enough to realize that there were other things than the Pine Barrens to be involved with. But, Fred, who probably had close to a perfect attendance as a member of the Commission is now here to address the subject.

MR. THIELE: Thank you. It may have seemed like a good idea to go to Albany and not have to go to the Pine Barrens meetings anymore, but all I have to say is in that two month period I have been in Albany half the time and I haven't gotten paid and my wife thinks that I am a genius.

It is my pleasure to be here tonight and stand up and support the Pine Barrens Plan that has been drafted

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and, of course, in a historical context I did serve as a Commissioner. It seems that I have been in one way or another during my ten years of public service, I have been involved in the Pine Barrens whether it is as a Town Attorney for the Town of Southampton where we drafted the first five acre zoning ordinance for the Pine Barrens area, or, as a County Legislator when we implemented the Clean Water Act at a quarter percent program on the County level.

And, of course, as Town Supervisor with a lot of help from Marty Shea who helped put together the first Environmental Impact Statement for the Pine Barrens. I think that we should have some sort of historical prospective with regard to this Plan. I think if you have one, it is much easier to support it. It was just a few years ago that we were talking about the Pine Barrens and what was

1
2 going on. There was really general
3 chaos out there that was affecting not
4 just the environment but the local
5 economy. There is litigation, a lot of
6 resources were being diverted into
7 lawyers as opposed to the economy or
8 the environmental protection.

9 The legislation that was tipped
10 forward by Senator LaValle and
11 Assemblyman DiNapoli has really tried
12 to bring some order out of the chaos by
13 calling for the preparation of a plan
14 and implementation of a plan. I think
15 that a lot has been done in that over
16 eighteen month period to put together
17 this Plan.

18 I think it is worthy of support.
19 Not simply because it is the lesser of
20 evils, it is better than going back to
21 the chaos that we had before there was
22 a Plan for the Pine Barrens. But
23 because I think the Plan, itself, has
24 certain inherent benefits in and of
25 itself.

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2 I think that the Plan that you
3 have developed is a fair Plan, it is a
4 balanced Plan. It is not a perfect
5 Plan. Certainly, everybody who had an
6 interest in this process did not get
7 everything that they wanted. There are
8 no doubt flaws in this Plan. It is a
9 work of human effort and there will
10 always be flaws and I am sure we can
11 pick apart bits and pieces of this
12 Plan.

13 Nonetheless, given the wide
14 variety of conflicting interests and
15 different interests that are involved
16 in the Pine Barrens, I think that an
17 excellent job was done in trying to
18 find the right balance. One of the
19 greatest benefits I think of this Plan
20 is that it will finally provide
21 certainty for all of those who have a
22 stake in the Pine Barrens. We will
23 finally know what area is going to be
24 protected; the core area is going to be
25 protected. There will be certainty

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that those open spaces and that natural habitat and drinking water that is under the Pine Barrens is going to be protected.

On the other side we will know where you can develop in the Pine Barrens. We will have the rules for the compatible growth area. We will have a transfer of development rights program. And, we will have receiving areas where development can also occur. There will be certainty. And I think that is the greatest benefit of this Plan and I said it will be fair. I think it is fair. It is fair, I think, to those that are concerned with environmental protection because it does provide for the protection of the core.

For those who own property or look to develop in the Pine Barrens, it will provide direction as to what the rules are and where building can occur. I think that kind of certainty is

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greatly needed.

If you are involved as a community or civic leader and you are in a particular neighborhood, you have, I think, the benefit and certainty of knowing that there will be a transfer of development right program but it will not be one that is going to suddenly overnight change the character of your neighborhood with the doubling or tripling of density because the TDR Program is a moderate one.

Finally, I think of great importance is the landowners in the core area. This Plan provides for 75 percent of the land recommending that it be acquired providing that option for landowners. It does provide the option of transferring development rights. It provides the option of a bank. And, it also provides for a hardship provision which, I think, is fair and equitable for those who own property in the Pine Barrens.

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Now, as I said, the Plan isn't perfect. There are some things that I would just like to get on the record that I think should be changed. I know that they cannot be changed now, and some of them require changes in Albany, but I realize there is the need because of time constraints to get the Plan considered and voted up or down. There are a few things that I hope the Commission will consider after that that I hope will be there to improve the Plan.

One of the greatest worries with regard to this process is that by just drafting another law and another Plan that will not be taking the necessary steps to lessen the amount of bureaucracy that is involved in land development. Right now we have a County Pine Barrens Commission, Health Department and local government, and now the State Pine Barrens Commission all that potentially look at

1
2 development that occurs in the Pine
3 Barrens. I've said this as a
4 Commissioner and I will say it again
5 tonight, I really think that a lot of
6 that needs to be carved away when we
7 are looking at development
8 applications. In particular, I believe
9 that the County Pine Barrens Commission
10 may become obsolete after this Plan is
11 implemented. I think there has to be
12 an effort to streamline the application
13 process once everybody knows the rules.

14 Related to that, I just want to
15 talk about something in the Town of
16 Southampton, particularly affecting the
17 Villages of Quogue and Westhampton
18 Beach. There are small pieces of
19 property in both of those villages that
20 are included in the Central Pine
21 Barrens. They are not in the core
22 area, they are not critical resource
23 areas, they are not areas that will be
24 receiving areas, and what is going to
25 happen -- and on top of that, the

1
2 villages really don't have great voice
3 in this process. It would be my
4 recommendation that the Commission
5 should look at, after this process is
6 over, of deleting the several hundred
7 acres that are involved in those
8 villages because, otherwise, all those
9 villages are going to end up doing is
10 pushing people back and forth on the
11 development applications and I hope you
12 would consider that.

13 Finally, one last thing that
14 relates to the Town of Southampton, it
15 is in the Plan but I hope you fight to
16 see it is implemented, that is with a
17 large amount of land coming off the tax
18 rolls in the core area. While in some
19 of the larger jurisdictions this may
20 not have a substantial impact for some
21 of the smaller districts and,
22 particularly, I am talking about fire
23 and ambulance districts. And to be
24 even more specific, I am talking about
25 the Flanders Fire Department which

1
2 after this process is over and if the
3 Pine Barrens are acquired of more than
4 90 percent of their land can end up
5 being off the tax rolls. Nevertheless,
6 they will have the same responsibility,
7 if not greater responsibility, because
8 the Pine Barrens is a fire dependent
9 ego system. Fire management is an
10 important part of the Plan, and if
11 anything, their responsibility is going
12 to increase. You should make sure, and
13 so should I as a State Assemblyman,
14 that these districts are not adversely
15 impacted and there are payment
16 of taxes or some other payments that is
17 made to make them whole.

18 Finally, I just want to talk a
19 little bit about what is going on in
20 Albany in the budget process. Because
21 to me, the Plan is excellent but unless
22 the Plan can be implemented it is
23 either going to end up on the shelf or
24 there are going to be a lot of
25 disappointed people.

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2 This Plan cannot work without
3 adequate funding. As we all know there
4 is still not a budget for 1995 in
5 Albany. And we are working very
6 diligently with regard to that. But I
7 have to point out that the funding and
8 the implementation of the Pine Barrens
9 Plan is a long term commitment. It is
10 not something that we are just going to
11 do this year. It is something that
12 will have to be done over the next few
13 years. And when we look at the budget
14 process in Albany, it is not only that
15 we look to the Pine Barrens but that we
16 make sure that a budget is implemented
17 in Albany that is fiscally sound
18 because what we don't need is that in
19 the middle of the process there is
20 another budget deficit and the money
21 doesn't come forward.

22 So at this stage there are
23 really three things that I need to see
24 in the State budget in order to support
25 it. One of them is to make sure that

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we provide a fiscally sound budget; one that has no deficit in it.

Second, of course it doesn't really relate here but seeing that the tax burden in the State is reduced.

And, third, to make sure that Suffolk County gets a fair shake in this budget. And first and foremost in that is to make sure that the Pine Barrens is funded. I won't be able to support a budget in Albany unless the adequate funding is there for the Pine Barrens.

I am still optimistic. I am not sure when there is going to be a budget but I certainly do support the letter that was sent up by many people to the Governor last week requesting the funding. And, hopefully, we can work together to make sure that that funding is there because without it, that Plan is doomed to failure. And all the good work that we have done for the last year and-a-half will be lost.

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So, again, I want to commend all of you for the amount of work. I particularly want to commend Ray Corwin for doing an outstanding job in putting all the pieces together and has been the lynch pin for a job that many people would have thought was impossible.

I wish you well and I look forward to working with you to bring this Plan to its final conclusion in the next few months.

Thank you very much.

MR. PROIOS: Thank you.

The next speaker is Bob DeLuca.

MR. DeLUCA: Good evening, my name is Robert DeLuca, and I serve as president of Group for the South Fork. The Group is a nonprofit environmental advocacy organization representing the conservation and planning interests of more than 3,000 families, individuals and businesses from Eastport to Montauk, and across Shelter Island.

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2 I am here this evening to offer
3 our strong support for the Final
4 Central Pine Barrens Plan, and to offer
5 our thanks to the numerous individuals,
6 businesses, community and professional
7 organizations, public officials, and
8 governmental agencies who have
9 committed countless hours of their
10 time, as well as their resources and
11 skills to fashion an intelligent and
12 forward looking plan for protecting the
13 future of the Central Suffolk Pine
14 Barrens.

15 In the end analysis, the results
16 of this effort will provide the
17 guidance and direction that has been so
18 desperately needed to properly manage
19 the landscape and resources of Long
20 Island's last great forested
21 environment.

22 In addition to management of
23 the land, the Pine Barrens Plan seeks
24 to balance the vital importance of
25 protecting the ecological integrity

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of pine interests of those in the community. To say that this was a monumental task would be an understatement.

Without a doubt, the development of this plan has involved great points of disagreement and the strongest of feelings as to what should be done, and ultimately what could be done.

Yet throughout the process, strongly divided interests have been able to find the common ground that was necessary to provide the public with a new vision, and new tools for planning and natural resources protection that we will need as we enter the next century.

Only a few years ago, the future of the pine barrens appeared to be careening out of control. As an Environmental Analyst with Suffolk County's Office of Ecology, I watched the feverish pace of development push

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2 local governments and regulatory
3 agencies, including my own, to the
4 brink. In the process, open space
5 dwindled and local communities grew
6 frustrated as agencies were torn in
7 numerous directions trying to keep
8 things under control.

9 Soon reacting overtook planning,
10 and frustration with the process and
11 the growing consumption of resources
12 sent developers and environmentalists
13 plunging into costly and time consuming
14 litigation.

15 Thanks to all those who were
16 involved, today, we stand on the brink
17 of an entirely new and progressive
18 system of planning and resource
19 protection for the Central Suffolk Pine
20 Barrens. With these tools, we can
21 build future that respects the limits
22 of nature and removes the guessing game
23 for individuals involved in land
24 development. No one has argued that
25 this is a perfect solution, but it is

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certainly a solution to be proud of.

Tonight we move one step closer to the finish line, and it is as important as ever that each of us sustain our commitment to completing this effort, and putting the Pine Barrens Plan into action. Nothing could be worse than giving up when we are this close to victory.

On behalf of Group for the South Fork, I wish to thank you for your attention to our comments, and reiterate our commitment to making this effort successful. In the coming weeks, we will continue to press for appropriate acquisition funding to help ensure the availability for acquisition funds that will be essential to creating of the state's third largest forest reserve.

Thank you.

MR. PROIOS: Ann LaWall.

MS. LaWALL: Good evening. For the record, my name is Ann LaWall. I

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am the Executive Director of the Southampton Business Alliance representing over two hundred business owners in the Town of Southampton.

At the request of the Long Island Builders Institute I would like to read the following letter into the record for this evening. This letter is dated May 15, 1995. It is a letter from the attorney for the Long Island Builders, William Esseks. It is to the Central Pine Barrens Joint Planning and Policy Commission.

"Gentlemen, a public hearing on the "Proposed Final Central Pine Barrens Plan and Supplemental Draft Generic Environmental Impact Statements" is scheduled for May 15, 1995, May 16, 1995 and May 18, 1995. I ask that this letter be made a part of the record at each of the foregoing hearings and that it be read out loud to those citizens who appear for each hearing.

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2 We represent the Long Island
3 Builders Institute, Inc. It objects to
4 these hearings taking place without the
5 Commission members and the public having
6 the initial and the final reports
7 prepared and to be prepared by the
8 "Harriman School" of the State University
9 at Stony Brook, in accordance with ECL
10 #57-0119 (8), and, as discussed at page
11 25 of the "Plan" Volume 1 dated January
12 13, 1995. That same "economic analysis"
13 is referred to on the 10th unnumbered
14 page of the "Plan" issued under date of
15 April 26, 1995.

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

21 We have now brought a proceeding in
22 the Supreme Court, Suffolk County
23 entitled "Long Island Builders Institute,
24 Inc. versus Central Pine Barrens Joint
25 Planning and Policy Commission, Index

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Number 95-11218" and we await the direction of the Supreme Court Justice assigned to this litigation.

The Commission's April 26, 1995 notice sets forth the reason for the foregoing hearings. I submit that the Commission cannot properly fulfill its obligations pursuant to the notice and the Act unless the Commission members 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 the public prior to the hearings is for the

1
2 Commission to place a procedural
3 impediment in the way of it continuing
4 with any attempted implementation of the
5 Plan.

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

12 Respectfully yours, William W.
13 Esseks."

14 The reason that I agreed to read
15 this letter into the record tonight for
16 the Long Island Builders Institute is
17 that as the Director of Southampton
18 Business Alliance we agree totally that
19 without the economic analysis we don't
20 know how we can support a plan if we
21 don't know what the economic impact is
22 going to be to the Town of Southampton.

23 Thank you.

24 MR. PROIOS: The next speaker is
25 Edwin Schwenk.

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MR. SCHWENK: My name is Edwin M. Schwenk, Director of the Long Island Builders Institute located in Islandia, New York.

I know it sounds like a broken record in many instances but I must indicate that the Long Island Builders Institute was as instrumental in this Pine Barrens legislation as any other group; including my friend Mr. Richard Amper and other persons who are involved very heavily, Michael Dearing, Brian Murphy with Senator LaValle's office, we spent a great deal of time on this.

It is with heavy heart that I have to stand here tonight again and say that, unfortunately, the spirit and intent of the law is not being followed with the Plan. The law was a fair piece of legislation. It was passed unanimously by the State Assembly and the New York State Senate. Everybody in favor, nobody against. That doesn't

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2 happen very often but it did in this
3 instance because the law happened to be
4 a good one in our estimation. We
5 helped put it together and we supported
6 it.

7 When I say about a heavy heart
8 here we have to come to the end. This
9 will be the last Public Hearing as far
10 as I know and here we have to indicate
11 that unless substantial changes are
12 made, the litigation is going to start
13 again. There is no question about it.
14 We are not happy at all with what has
15 been said about the Environmental
16 Impact Statement, the Environmental
17 Analysis, call it what you will, the
18 physical impact, we think the
19 Commission is out of the loop and
20 taking us out of the loop and not
21 providing that information to us.

22 We find it very difficult to
23 understand what the big secret can be.
24 I am not so sure we are talking about
25 the making up of the atomic bomb. I am

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not so sure that it's the end of the world at stake with the economic analysis, but there must be something there. There must be something there detrimental to our interests. We don't like that. We were with the Plan to begin with, we are out of the loop now because we cannot be part and parcel to what is going on. We don't like that.

We think that there is an intent on the Commission's part and, unfortunately, no one here is either supervisor or a County Executive or the DEC Commissioner. And, I am not taking anything away from you but I guess it doesn't have importance enough that any of the first teams should be here. We also resent that very bitterly.

But what is the big deal? Why can't we have the economic analysis?

I know you are not here to answer any questions but I tell you what, we have got the lawsuit going and there is going to be further lawsuits

1
2 because in spite of what Mr. Thiele
3 said about the fact that now we have
4 certainty with the building program,
5 certainty with the TDR Program; oh
6 really? Tell us about it. With the
7 economic analysis, what that says that
8 takes away from the certainty that he
9 spoke about or other people are trying
10 to tell us. Hey, Mr. Schwenk and Long
11 Island Builders, buy the Plan, it is
12 all set. There are no problems.
13 Really? Then let us see the economic
14 analysis not forthcoming. We just do
15 not under-stand it and I tell you it
16 goes right in the lap to the first
17 team; three Town Supervisors, Mr.
18 Gaffney and also Mr. Cowen.

19 Whatever happens on June 30th
20 when the Plan is approved the
21 litigation, and you can mark my word,
22 the litigation will be well under way
23 because we have not been treated with
24 the spirit and intent of the law.

25 Just two other items but not

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maybe to the extent of what we have been talking about. We do not like the 1:1 ratio on the Pine Barrens Credits to the receiving areas. We think it is too restrictive. We don't know what the values of the receiving areas are and if the receiving areas have no value, then we have no TDR Program that is applicable.

We get better than 75 percent acquisition that was not part and parcel to the law. I understand the reason for it, they want to satisfy the school districts, the civics and other people that there is not going to be any undue burden on it. But, if that is the case, let's put a cap on how much building can go into each school district. Let's make it 10 percent or 5 percent. Let's do something like that so there is no impingement on whether it is Longwood or East Fork or whatever that is going to end up with all the growth. Let's do it in a

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reasonable way but not let's turn around and say that 75 percent has to be bought offhand. We don't think that that is right. And it is certainly not in the best interest of the building industry. We have as much interest in Suffolk County as anybody else does.

We do not want Suffolk County to be ruined and overrun with people, blacktop; we do not want any of that but we do want a fair shake and let the free market roll a little bit. Let's find out what happens with a TDR Program before we start saying that we have to purchase 75 percent of the core area.

So, again, I say this, it is the last public meeting with respect to this whole thing happening. Even though I know this Commission meets on every Wednesday as recited by Mr. Proios between now and the time of the Plan being adopted or not, but we make an appeal to you. The Long Island

1
2 Builders Institute, we are going to
3 have to be the bad guys? Au-hun. You
4 are going to make us the bad guys. It
5 is going to be up to this Commission.
6 Our requests are not outrageous,
7 outlandish, they are reasonable and it
8 is up to this Commission within the
9 next forty-five days to see our side
10 and have a reasonable adjudication to
11 this whole thing and have a plan that
12 everybody can live with.

13 Thank you very much.

14 MR. PROIOS: We are just going
15 to take a one minute break. I just
16 have to check with something with
17 Counsel.

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

20 MR. PROIOS: The next speaker
21 is James Zizzi.

22 MR. ZIZZI: For the record my
23 name is Jim Zizzi. I am the current
24 President of the Long Island Builders
25 Institute. I am the National

1
2 Representative for the National
3 Association of Home Builders from Long
4 Island. I am a business owner in the
5 Town of Southampton. I am also a co-
6 founder of the Southampton Business
7 Alliance, and I am a resident of
8 Quogue.

9 On November 7, 1994, the
10 Harriman School of Stony Brook
11 University presented to this Commission
12 a full economic analysis. It was a day
13 before one of the most earth shaking
14 elections in the State of New York.
15 That election was based on open
16 government, smaller government,
17 deregularization, an attempt to lower
18 taxes. And what we are confronted here
19 with today is a conspiracy by a
20 governmental group to deny the public
21 their right to know. It is very
22 simple, their right to know.

23 I have had five days of dealing
24 with the situation where seven Suffolk
25 County Judges stepped aside because of

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the hot potato. I have been told that our FOIL application was so faulted despite the fact that William Esseks, who is one of the leading attorneys in the United States, produced it and Counsel for Suffolk County reviewed it, and we are told that it is so faulted that it could be thrown out. I don't believe in a Democratic society that I have to go to court to get information that should be volunteered to us.

The statute is very clear. An economic analysis must be produced within the first twelve months of this Commission meeting. And, in fact, November 7th was beyond the twelve month statute.

In regards to what this analysis was supposed to say, with regards to the components of the Comprehensive Land Plan, the Pine Barrens Protection Act expressly sets forth what must be included within a Land Use Plan. It says here "provisions for accumulative

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impact analysis both environmentally and economically."

To look at the effects of development preservation, financial policies and related factors upon the Central Pine Barrens area, it is private and public open spaces, it is residents, it is governments, it is schools, it is other districts, that has not happened. What are you hiding?

Today, in the Court in Riverhead we were offered the first two parts of the three parts. Ironically, Mr. Esseks, which we have already seen the first part which is a background and existing conditions, we were offered the data. But, we were denied the pros narrative. What is the pros narrative? It is the interpretation of the affect of the items on the economic stability of this area. It is the affect of what happens when taxes are taken off the rolls and government has to struggle to make up the losses.

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It talks about the values of people of the other night in Riverhead who I could have cried to be ashamed of being an east ender when one gentleman stood up here and told the Commission why don't you guys just wait another five years until these people die and take and rob their graves. That is what was happening the other night. And that touched me as an east ender and it touched me as a human being.

I can't, for the life of myself, believe that I live in a town and I live in a state that is so primitive today that they deny due process to allow the people their right to know. What do they need to know? This document here that is not supposed to be so threatening looks at a number of issues. It looks at the fact that there are a number of school districts that are over populated. One of them being Speonk Remsenburg, one of them being Hampton Bays, one of them being

1
2 Eastport. But you pick up the Plan
3 that was drawn up and you look at the
4 back section of it and it talks about
5 the fact that the Speonk Remsenburg
6 school has got over 254 acres of land
7 that has to be dealt with. What effect
8 is that land going to have on that
9 school district that already is over
10 packed with people? An economic
11 analysis would look at that.

12 An economic analysis would look
13 at the fact that on Long Island we
14 produce 1.2 billion dollars worth of
15 construction industry. We employ
16 40,000 individuals on Long Island. In
17 Suffolk County and Nassau County alone
18 we represent 25 percent of the
19 construction industry in the State of
20 New York. Has anybody looked at what
21 that means when you put these people
22 out of work? You are talking about 5
23 percent of the State's working force.
24 No one has looked at that. Why?
25 Because no one cares.

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Another interesting thing I think these people should be aware of is that I believe in the economic analysis the narrative, I believe there is a discussion on land values. I believe that the land values are much more significantly higher than what is in the Plan here and, I think, that is a farce that is being played on the State of New York. Because I think the State is being offered a pig-in-a-poke because if those values are higher and they are being sold a Bill of Rights that are lower, there is going to be a major problem because the towns are supposed to be indemnified. And the indemnification is a very prescribed indemnification. I hope the towns understand if there is not an attempt to understand the indemnification process, they are going to be on the hook for the lawsuits.

I am asking you once more as a gentleman, as a resident of the Town of

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Southampton that this is not going to stop. And if we have to go to Albany County and sue this Commission in front of the Governor of the State of New York, we are going to do it because the People have a right to know.

Thank you.

MR. PROIOS: The next speaker is Walter Olsen.

MR. OLSEN: My name is Walter Olsen. I am a cofounder of CPR, the Civil Property Rights Movement. I am a former President of the Association of Marine Industries which represents the marina and boating industries of the five Eastern Towns. I have been a businessman all of my life and have had tremendous respect to the environment throughout my business endeavors. I have enhanced the environment on virtually every parcel of land I have owned, correcting mistakes and abuses perpetrated by my predecessors. For this I have received praise from my

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community and government officials who took the time to know and understand the true facts. I also have been criticized by those who have been envious and too ignorant to evaluate the truth.

It is because of my business experience and my constant dealing with regulations and regulators that I became alarmed at the discovery of the Pine Barrens Act of 1993. I say discovery, because despite my constant involvement with attorneys and land development, even I was unaware that I held property in the Core. Only after the Long Island Builders Institute and the Farm Bureau notified me that my property might be affected, did I realize that I had better pay attention, and I profoundly thank them for that notice.

Until then, the misnomer, "Core of the Pine Barrens" led myself and everyone else to believe that it was

1
2 some small remote area not important to
3 the average person. At this late date
4 most Long Islanders do not realize the
5 impact on their everyday lives that
6 this legislation will have. I feel
7 that this exclusion of the public has
8 been carefully orchestrated to minimize
9 opposition and the news media has
10 unwittingly become a part of that
11 orchestration. This, partly due to
12 their lack of understanding of the
13 facts and partly due to their natural
14 liberal leanings. Newsday, for
15 example, has been conspicuously absent
16 for the last two public hearings. Is
17 it that unimportant or is ratification
18 of this Plan a foregone conclusion?

19 I say neither. That is why I am
20 here in Southampton to remind the Town
21 Board and the Supervisor of their
22 qualifying remarks upon preliminary
23 ratification of the Plan. They said if
24 the money was not there for acquisition
25 they could not support it. The money

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is not there and can never be guaranteed to be there so they have no reason to relinquish home rule under this Act. The money was the only carrot offered to Southampton to gain their support. It is not there, so Southampton should not support the Plan. Southampton has adequate zoning and regulations to protect the pine barrens. They do not need this duplicative Pine Barrens Act.

Southampton said that if the Fire Districts were negatively impacted, without corrective measures, they could not support the Plan. The Plan is anywhere from inadequate to silent in solving the Fire Districts funding problem. So, Southampton must not support this Plan.

Southampton voiced concerns as to whether the public at large was well enough informed and notified of the impact of this Plan on their everyday lives. The Commission's refusal to

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notify those land owners by mail demonstrates their disregard for public input. That input is the most essential ingredient in public policy making. While they input may not always be eloquently articulated, it is those people who pay your salaries with their blood, sweat and tears. I feel they have been ignored and excluded from this process by its sheer complexity and the lack of a laymans explanation of its impacts on people's everyday lives. Therefore, Southampton should not support this Plan.

I must alert everyone that this Pine Barrens Act and Plan has no sunset. That is, it is open ended. Simply put, the regulations contained in it can change at any time, becoming more restrictive at the whim of State Legislators and particularly at the urging of radical environmental groups. It clearly states that at least every five years it must be reviewed to see

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if it meets the goals of protecting the core. We all know government. It will continue to tighten the noose around our necks.

I give you one example of many I see in the planning process. In Southampton's Western Generic Environmental Impact Study, which automatically becomes part of the Management Plan for the Pine Barrens, I quote directly from Part II Plan Initiative, page 7-42 number 8 of Conclusions, "A policy of promoting the upgrading and relocation of septic systems, or replacement with alternative less environmentally damaging wastewater disposal systems, is advocated for all ponds and lakes within the preserve." In my interpretation and several lawyers interpretations, stated in simple terms, this can easily mean the following: if your existing home within the core or within a critical

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resource area has an existing cesspool which the government says they don't like, you can be forced to undergo possibly devastating expense to install a system which they recommend. Since the underlying goal is to discourage humans from these areas, that expense and experience can be made so daunting as to force the property owner to abandon their property.

An 86 year old widow should not be threatened with this. A newlywed couple starting out entering the competitive real world should not be threatened with this. No property owner should be threatened with this. All at the whim of new regulators saying that previous regulators didn't know what they were doing.

In closing, Southampton has nothing to gain by joining this Plan. They have said that if certain conditions were not met they would not support it and I hold them to that

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

11 Thank you.

12 MR. PROIOS: The next speaker
13 will be Gladys Gherardi.

14 MS. GHERARDI: Good evening
15 representatives. My name is Gladys
16 Gherardi. I am here representing
17 myself. I was here on Monday and I
18 felt it was worthwhile my coming back
19 because I had some questions on things
20 that I heard said.

21 First of all, I was appalled to
22 find out that there were no landowners
23 on this Commission. Nobody was
24 representing landowners. I think this
25 is absolutely outrageous. We are the

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people who own the land and we are not being represented. Everybody else is being represented; people who want nature walks. There was a man that got up that said he was with a sporting group, he was on the Commission. What about us? Aren't we important enough to be on this Commission, to be represented?

Secondly, I went home, looked at my deed. When I bought my property that is what it says, land. It doesn't say transfer rights. I own land. I don't want transfer rights. I want what I bought.

Another comment by an environmental group that got up indicating that this land was not really that valuable. Well, it is very valuable to me. And, in fact, out of reflecting, I began to think it is more valuable than anybody ever thought. I am going back, I spent a lot of time in Texas. Anybody remember when they discovered

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oil? What about when they discovered gold? What about the diamond mines in Africa? Well, I am staying on land that has pristine water, I think, my land is very valuable.

And, very finally, I just don't want TDR rights. I keep hearing that we are going to be treated fair and equitable. Buy our property. Pay us the fair and equitable price. We don't want TDRs.

Thank you.

MR. PROIOS: Henry Dittmer.

MR. DITTMER: My name is Henry Dittmer and I represent CPR, the Civil Property Rights Movement. I am here on behalf of 450 members.

First, I want to note in the record that Mr. Tom Morris of Newsday, who has virtually attended every meeting of the Commission, has not covered any of the three hearings held. Newsday does not seem interested in the landowners plight. And, Newsday has

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consistently had favorable editorials for the preserve. They won't even publish our letters to the Editor.

Next, I want to note in the record that our elected officials, four of the members of the Commission rarely attend many meetings. Except for former Commissioner Thiele. I object to this. Where are they tonight? Don't they care? It is interesting to note that Mr. LaMura only showed up at the July 13, 1994 press conference as far as I know. And, that three of the original Commissioners have resigned for various reasons.

I also want to note in the record that the townships whose councilmen must vote have not held any hearings.

I want, again, to note in the record that you only printed two hundred copies of the Comprehensive Land Use Plan and that our members have been unable to obtain a copy. Since

1
2 many probably went to Town, County and
3 State officials, how many were left for
4 sale to the public?

5 Because of the above, I feel
6 this hearing is fatally flawed. People
7 cannot make informed comments on a Plan
8 they are unable to obtain. Nor, do
9 they have enough time to read two
10 volumes of this size and consult an
11 attorney in such a short time.

12 I also believe these hearings
13 are flawed because there was no
14 notification to the property owners.
15 We ask you for a twenty cent postcard.
16 It would have cost you some \$700 or so.
17 You spent over a hundred thousand
18 dollars making this Plan yet you claim
19 you have no money for postage. I don't
20 think you are sincere. In truth, you
21 don't want any opposition to the Plan
22 you made and that is why, I believe,
23 these hearings are a sham and a shame
24 to your honor. You cannot possibly be
25 impartial. You wrote it, you will pass

1
2 it.

3 Not one line in this Plan came
4 from property owners. You have
5 rejected or ignored all our
6 suggestions. Since there was no money
7 for the postage, I am now on the record
8 formally demanding a copy of your
9 expenses. CPR would like to see a list
10 of all expenditures made to date by the
11 Commission. We are particularly
12 interested in how much money was spent
13 on trips and transportation. And,
14 also, how much money was given to Dr.
15 Nicholas who worked on the TDR Program.

16 I also want to note in the
17 record that Dr. Jim, as he was called,
18 stated that the TDR Program was
19 unworkable and unfair at two meetings;
20 at the Moriches Labor Meeting and a
21 TDR Committee Meeting. Supervisor
22 Thiele said that sometimes you have
23 to make lemonade out of lemons and
24 that politically TDRs cannot cross
25 school district lines. Yet, you went

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ahead anyway. This is important because there is no mandate to purchase land. Only a goal to probably acquire up to 75 percent of it. There is no time frame either.

I also would like to note in the record that you all have a vested interest in passing this Plan; you, the ordinance and the staff. It will be interesting to see how many of you will wind up employed in new jobs. How impartial can you be? That is why the Commissioners should be here tonight.

Wouldn't professionalism demand that you decline such future employment or any financial benefits? This entire process is one-sided. Is there any doubt how the vote will go? You supposedly followed the law but not in its spirit. The landowners think this is rigged. They have no confidence. Then you wonder why they are frustrated and angry.

I want to present a letter to

1
2 the Commission from the daughter of our
3 oldest member; a 96 year old lady
4 living in Ohio. I will not take the
5 time to read the letter but I would
6 like if you all read your copies and do
7 something about it. She is broke and
8 can no longer afford to pay her real
9 estate taxes of \$32,000. She is going
10 to lose her land because she can no
11 longer pay taxes.

12 You are creating severe
13 financial hardship for many, many
14 people. And, I don't think you realize
15 the consequences of your actions. And,
16 the devastating havoc you are imposing
17 on others. You have destroyed property
18 values. You have destroyed the market
19 and you are destroying some people's
20 lives. And, for what? How real are
21 the environmental issues?

22 Do you know that they use human
23 sewage to fertilize rice patties in
24 China according to the National
25 Geographic? Don't you know that

1
2 organic farmers use bullshit -- I mean
3 cow manure; so how dangerous is the
4 common residential cesspool?

5 I want to place Mr. Olsen's
6 recent letter to the Editor in Suffolk
7 Life in the record entitled
8 "Environmental Lies." I hope you read
9 it and the paper's editorial in a
10 different edition about the phony cloak
11 you are using.

12 When you pass this Plan you will
13 have to live with it. We will go onto
14 the Federal Courts and the polls. I do
15 not think you will prevail and if you
16 do, it will be a ferric victory.

17 November 8th promised less
18 government and less regulations. Do
19 these two volumes look like less
20 government and less regulations?

21 Lastly, for the record, is my
22 letter to Governor Pataki published in
23 Suffolk Life who I think will be one of
24 the greatest Governors New York ever
25 had.

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Thank you.

MR. PROIOS: James Gherardi:

MR. GHERARDI: My name is James Gherardi and I am here on behalf of myself. I am a landowner out here and have been for many, many years. Not only here in Brookhaven, in the Manorville area. We own property up in Rocky Point, Middle Island and in Amagansett where we have a home for the last forty some odd years.

I have handed out two things that I think go to the heart of the matter. The very first one is something we all learned when we were kids in school, and, maybe, I think, we have forgotten all about it. I hear about the chaos that was created and how this was going to settle the chaos and how this would make things all right. And, we have less law and less government and what have you, and then you see three huge volumes here. I listen. We had all the law we needed.

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2 It seemed to me to be very simple, what
3 I put on everybody here is just a very
4 simple document which was written by
5 probably the most brilliant man in the
6 country that we have ever had. It has
7 serviced this country well for the last
8 two hundred plus years and I would hope
9 for the next two hundred years into the
10 future so that my grandchildren and
11 great grandchildren will have something
12 to go by. It is very simple here. It
13 is, first of all, the very first
14 Amendment which I believe this
15 Committee has violated, and, please, to
16 the individual people sitting in front
17 of me take no offense, but I must tell
18 you that I am absolutely offended that
19 none of the people that are on the
20 Commission are here this evening.

21 I think this hundreds of
22 millions of dollars to the future of
23 Suffolk County, to the future of these
24 townships are at stake and none of them
25 seem fit to even attend these meetings

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in person.

Number one, I object to it.

Number two, I don't even know if this is a properly called meeting. There was a statement read before but anybody could read anything. I'm sure there was guidelines and what have you.

But, one of the interesting amendments is the very first one. And, of course, if you read to the upper left it says, "The conventions of a number of the states, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as expanding the ground of public confidence in the government." And, that is what we are talking about here.

We have looked at the very First Amendment and for the people from the media I hear that Newsday is unwilling

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to even be here. God forbid that we should restrict their freedom or the right of people to peaceably assemble. And that is us, it is granted to us. It is something we sort of learned in grammar school. I think they still teach that in school although I am older than the people in that Committee; I would hope they do.

Well, we have not allowed people to assemble. I heard this merely mouthed. I couldn't believe it, a postage stamp to these men and women who have saved and scrimped and slaved for years to own their property and you couldn't find twenty cents for a postage stamp.

I listened to Mr. LoGrande the other day moan and groan about the \$300,000 he extended to you and there is something I'd like to know. I would like to know where the Water Authority has the right to give up my money. I'd like to know that and I would like to

1
2 see an investigation into that. I
3 still don't have water in my home in
4 Amagansett after forty years. I owned
5 a piece of property on the Amagansett
6 stretch when we wanted fresh water
7 because the Department of Health said
8 that we had cauliflower forming in
9 there seven years ago. The owners
10 alone had to chip in three million
11 dollars to the Water Authority and pay
12 to have that water brought there. And,
13 yet, it had three to four hundred
14 thousand dollars for this Committee and
15 then didn't have the decency for a
16 twenty cent stamp? Why couldn't they
17 go to Mr. LoGrande to get that?

18 That is the First Amendment. It
19 seems that everybody here has forgotten
20 about it and that is what I noticed the
21 other day on Monday when I was in here.

22 Now, let's go to the Fifth
23 Amendment. Because, that affects every
24 single one of you my friends. At what
25 time do they come and tell you that

1
2 your house on a quarter of an acre is
3 inadequate? When do they tell you that
4 your cesspool is too small? That is
5 for the good of everybody? That is
6 what this thing was written for. It
7 wasn't written for the people in power.
8 It was written to preserve the power of
9 the powerless and you people are
10 violating it every single day out here.
11 You have forgotten all about that.

12 As I said on Monday night when
13 they wanted to build County Road 111
14 they came to me and they built it. We
15 sat down, we sent appraisers out and we
16 agreed on a price. Two years before
17 that in a Town called Farmingville
18 which is in Suffolk County, the
19 nation's school district number 5
20 needed sixty-five of my acres. We did
21 the same thing. They got their
22 appraisers, we got our appraisers and
23 today there is a school there.

24 As my wife said, who wants the
25 transfer rights? Who are you to

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violate all the years we paid taxes;
hundreds and hundreds of thousands of
dollars? Not nickels and dimes.

Then we get to Mr. LoGrande and
it bothered me for two days. You know
what bothered me about Mr. LoGrande?
The fact that this was going to make
Suffolk County have good palatable
water. It just so happens by training
I am a graduate chemist. Well, the
Romans twenty-three hundred years ago,
when they wanted to have a civilization
knew two things. First of all, you
better bring in the water. They call
them aqueducts, they are still there.
And, you better put in a sewage system
if you want fresh water.

What Long Island is suffering
from because I lived on the east end
all my life, my father and my
grandfather, what they have there is
salt intrusion. Why? The more wells
you put in, the more water comes out of
the aquifer. So what do we have? All

1
2 lower Suffolk County, Nassau County
3 what makes you think we are not going
4 to be in thirty years exactly like
5 Queens County which certainly doesn't
6 have palatable water underneath it.
7 Brooklyn doesn't have palatable water.
8 Ask anybody who takes their water from
9 Jamaica, Nassau County is heavily
10 waterless. Wells are being shut down
11 because they are unwilling to build
12 sewage treatment plants.

13 You want to spend money wisely
14 and really plan for the future of your
15 grandchildren and my great grand-
16 children, you must face the
17 responsibility of what a civilization
18 needs in order to preserve itself. It
19 needs fresh palatable water. The City
20 of New York is now engaging in the
21 largest construction project in the
22 history of the world. They have been
23 already on it twenty-five years and
24 will be on it another twenty-five years
25 bringing a monstrous water system into

1
2 New York to supplement two water
3 tunnels they have. If you want to talk
4 the future, that is what it is. What I
5 see here is something that is going to
6 work for ten or fifteen or twenty
7 years. You are not going to stop
8 people from coming out here.

9 If that is the case, then Long
10 Island has no future. If your children
11 cannot live here, then what is the need
12 for it? And, the only way they are
13 going to live here is if you build
14 housing. If you don't want multiple
15 family housing, everybody cannot live
16 by rezoning our property five acres.
17 That is ludicrous. Who lives on five
18 acres?

19 I bet the whole circle of you
20 together don't have five acres of
21 property that you live on. And,
22 please, I am not talking to any
23 individual, you must understand, but
24 I am appealing to reason. There must
25 be some reason. This whole thing has

1
2 gotten out of hand. Where is this
3 water going to be pumped? I am going
4 to tell you where. The north fork
5 doesn't have water and the south fork
6 doesn't have water. So for the next
7 twenty years the Water Authority will
8 look like they are doing a hell of a
9 job for you. The end of the twenty
10 years you will have nothing and you
11 will plan for nothing. And, that is
12 what this whole thing is. This is not
13 a plan for tomorrow. This is not a
14 plan for Suffolk County and I say that
15 as a landowner, as a person who has
16 lived here all his life, and as a
17 person who built here on Long Island.
18 When I built here Rocky Point twenty
19 years ago they were building sewage
20 treatment joints. Look at Islip
21 Township, didn't they in the end have
22 to build a sewage treatment district.

23 This land is going to cost you
24 three or four hundred million dollars.
25 I ask you to think about your future

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and the future of your families and
vote no on this project.

Thank you.

MR. PROIOS: Bill Swan.

MR. SWAN: I have a letter here
from the Southampton Town Board.

"Ladies and gentlemen, I am a
landowner and a voter in the Town of
Southampton and am opposed to the
Central Pine Barrens Comprehensive Land
Use Plan. It does not respect private
property rights, imposes unwarranted
restrictions on land use and represents
an unjustifiable tax burden. I urge
that the Town Board and Supervisor vote
against this Plan."

I've heard what you have heard
tonight and the other night having
attended a number of meetings. I've
come to the conclusion that this is
unjust on many points. Justice delayed
is justice denied. And morass of
bureaucracy that the core owners will
face -- and I represent not just

1
2 myself, but two corporations; Shore
3 Lands, Inc. and Coastal Aquaculture,
4 Inc. They have land in the core and
5 they have land in the receiving area.
6 As far as I can see, there is no
7 benefit to them under the Plans as
8 evolving not only to the Pine Barrens
9 Commission but also the Town of
10 Southampton because they really cannot
11 do much with the transfer development
12 rights.

13 Now, I know one of my clients,
14 Shore Lands, Inc., has faced this
15 morass of bureaucracy. In October
16 1991, Shore Lands, Inc. had a beach
17 club that they owned, knocked out by an
18 October storm. They couldn't get going
19 except on a temporary basis for one
20 year. Then they were denied the
21 temporary basis for '93. So virtually,
22 missed '92, they did miss '93, they did
23 miss '94 and they still are waiting for
24 approval to restore a business that was
25 in existence for over twenty-five years

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2 years on lands which have been in my
3 family and farmed by my father's
4 kinsmen for 300 years.

5 I am definitely not going to see
6 those people I listened in the
7 Riverhead, Brookhaven meetings who are
8 in the core swindled as I visualized
9 this to be a swindle.

10 MR. PROIOS: Victor DiPalma.

11 MR. DiPALMA: My name is Victor
12 DiPalma. I've lived in Manorville for
13 forty-five years. I've worked and
14 slaved. I am a disabled veteran of the
15 Second World War. I fought for this
16 country. I love this country. My
17 heart is here in this country. I have
18 confidence in an awful lot of people
19 but at this point the tables are
20 turning. And, it looks very, very bad
21 because nobody but nobody can be
22 trusted.

23 I think the landowners here are
24 all led into a dark closet and
25 somethings got to break. Believe me,

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we are not going to take it. You know, you have a pail of water, you keep putting water in that pail, you can put so much water in that pail but it is going to come to a point where there is going to be an explosion. We see it all over. Just think about it.

I have lived in Manorville for forty-five years. Worked and slaved for what? For a piece of property and now at my age they are going to take it away from me. For what? I am not even going to get an explanation. Nobody even tells you why. My wife is telling me oh, you are in the Pine Barrens. That doesn't mean anything. Oh, I can't build. They are taking the value of my property away. I can't build my property but right in my back yard there is a man building twenty-five homes. Across the street from me there is another guy building twenty-five homes. But me, I can't build no home. I have two ranch houses. The Park

1
2 Department has a piece of property in
3 front of my land. I have no access to
4 my house. I can't get into my house
5 because the Park Department owns it.
6 What am I going to do, get a helicopter
7 and go over the land and I don't even
8 get an explanation. I can't understand
9 it. Is this what I fought for? Is
10 that what I went under the red, white
11 and blue for? For this? For this
12 thing without an explanation?

13 Come on, let's get with it.

14 MR. PROIOS: Joe Gazza.

15 MR. GAZZA: Good evening,
16 Commission members. I've appeared
17 before you before if you remember,
18 Joseph Gazza from Quogue. I have an
19 application which is pending in Pine
20 Barrens in Westhampton. It has been
21 pending for five years.

22 I have certainly experienced the
23 process of regulation and government
24 intervention in my property rights.
25 So, I have an understanding that maybe

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I can shed a little light on the subject for you.

I know that you have all worked very hard on this Plan. I know that. And, I know that you all honestly believe that this Pine Barrens all have to be protected. I know that because that is why you are here at night and you are working your hardest.

I also know that you don't own a chunk of the Pine Barrens like I do or like some of the other property owners in this audience this evening. And, unless you own it, you cannot feel what the regulations, what the Commission, what effect it is really having.

You can study it, you can read about it, you can write about it, but unless you own it you cannot really feel it. So, you are at sort of a disadvantage even though you are working so hard you cannot relate to the real problems that I am going to just sort of run through for you to

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give you something to think about.

The problem is that the property owners' rights have been totally impacted. And, most of the property owners don't even realize it. They are not here because they don't even understand about Pine Barrens or what it is about or what it entails. You know about it because you have been living it for a couple of years and studying it. As Fred Thiele mentioned, the Town has been living it for five years in their Master Plan and studying it.

I have been living it because I own land that for five years I can't do anything with. I got to correct that. I can do one thing. I can pay real estate taxes every year on my property for the privilege of holding onto that ownership. Every year I pay my taxes because the first year that I don't pay them, we know that the County has modified the tax redemption laws so that after one year of non-payment of

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taxes they vacuum the lands away from the landowner if it is vacant land. So, the first year that I miss, they steal my land from me.

I have to pay the taxes and I can't use it. And you are frustrated already because you've heard this story. But, it is true. And, unless you are a landowner you cannot relate to this.

Yes, you are looking at the big picture. Well, maybe, it is a nice idea to have this giant park but who is going to pay for it? I hear that there is ten, fifteen million dollars potentially available. From what I figured out it is going to cost three hundred million dollars to buy the private property.

You know, you don't go in the grocery store and buy three hundred dollars worth of groceries and pull out a ten dollar bill and expect to walk out of the store. It doesn't work that

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way. Not in the real world. That is why the Commission is not in the real world. You are not the property owners. You don't have the feeling. You don't have to pay the taxes. Although, philosophically it is a good idea to protect all this land but what about the landowners? What about their rights? That is something that has sort of been pushed aside. Nobody addresses that. It has been brought out that there is no property owner interest on the Commission. They just don't matter, I guess.

Now, I had my own ideas of a plan. If a plan was going to work for this Pine Barrens to protect it, and that idea was that a core area, core, in the woods, an area that was difficult to get at where people really don't have the opportunity to develop where the values are lower, maybe that area could be protected if you had the money to compensate those people fairly

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2 for their property. If you had the
3 money, if you focused on a core, a
4 small enough area that you could
5 handle, that would be reasonable. That
6 would be a reasonable plan. Say we are
7 going to protect the Pine Barrens, we
8 are going to create a park, fine. Buy
9 everything you can with the money that
10 you had. Just like a person in the
11 grocery store who is trying to feed
12 their family. That is what you try to
13 do. Do your shopping, buy the most you
14 can, protect the best piece but be
15 prepared to pay for it. Don't steal it
16 from people.

17 Now, what I see, the last five
18 years, I see a plan. The plan that I
19 see is that the property owners' rights
20 are tied up. You tied them up in a
21 knot. You've made it so difficult to
22 do anything in this Pine Barrens.
23 You've got to go through exemption
24 hearings -- in Southampton Town where I
25 am, in the Town Boards, you have to go

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2 to the Planning Boards, you wind up in
3 Zoning Board then you go in the Pine
4 Barrens and get stuck with the Health
5 Departments. It is like a snowball
6 going down a hill. Ninety-five percent
7 of the people cannot even grasp this.
8 They can't afford the process or the
9 aggravation to go through it. So you
10 are tying up their rights in such a
11 knot that number two, you are
12 frustrating the people. You are
13 frustrating them. They are almost
14 ready to give up. They cannot get
15 through this process.

16 Then, they get their tax bills
17 just like I do. Every year the tax
18 bills keep coming. They say I can't
19 use my land, I can't sell it because
20 nobody will buy it now. They haven't
21 been able to buy it for five years.
22 Nobody wants to touch it because of all
23 the regulations that are being talked
24 about. So, what happens next? They
25 start to drop off. They lose their

1
2 land. They miss one year's taxes, they
3 say I'll forget about paying the taxes
4 this year, we need a new car, we need a
5 new refrigerator, I will wait till next
6 year. The next year comes, the
7 penalties, the surcharge, the interest,
8 they can't make it. They say we still
9 cannot use the land, the Commission is
10 not finished. We still don't know what
11 our rights are. They stop the taxes.
12 The County, they steal the land from
13 the honest guy. The guy like this
14 gentleman from Manorville who owns this
15 land, fought for this country, they are
16 going to steal his land the first year
17 he doesn't pay his taxes. It is not
18 right.

19 Now, who is really behind all of
20 this Pine Barrens protection, this
21 giant park? I don't know. It can't be
22 the real Americans behind this plan.
23 Because, real Americans respect the
24 Constitution. Real Americans say we
25 are not going to steal things away from

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2 honest people, people that own lands.
3 That is a physical right in this
4 country. We're just not going to
5 snowball them, put them through this
6 red tape, to wear them out and tax them
7 until we can steal their land away from
8 them. Real Americans wouldn't do that
9 to fellow Americans. That is what I
10 see.

11 You know, I am only one of the
12 landowners. I am getting no
13 satisfaction. I have been trying for
14 years to get, at least, my taxes
15 reduced on my Pine Barrens land. I've
16 appealed before the Town Board a number
17 of times for relief. I filed
18 grievances. I went through all the
19 processes. Zero reduction. I am
20 paying about \$23,000.00 a year on land
21 that has been tied up in a knot because
22 I am one of the people that you are
23 trying to wear out. To tie up, to make
24 lose his land. Well, I am still here.
25 I am still paying. I am getting worn

1
2 out so maybe you are gaining on me, all
3 right. I am losing my hair. But, I am
4 not quitting.

5 I think that it's about time
6 that this Commission recognizes that
7 there is a lot of people out there that
8 believe like I do in property rights
9 and there is a movement going on in
10 this country right now, the tide has
11 turned. This business of stealing away
12 people's property through government
13 red tape and regulations has come to a
14 close. You cannot do this to people.
15 You are going to have to pay.

16 The House passed their bill. It
17 is before the Senate now, the Private
18 Property Rights. If we get that bill
19 passed, then you are going to have to
20 pay. You are not going to tie up three
21 hundred million dollars worth of land
22 with a Plan. You are going to have to
23 have the money. Where is that money
24 going to come from? You are going to
25 have to come out and tax, tax to death

1
2 the people in the communities to pay
3 for it. That is when the people are
4 going to become alert and they are
5 going to say "Wait, my taxes went from
6 three thousand to nine thousand and my
7 house, what for?" Well, we are to
8 compensate the landowners, we couldn't
9 steal their lands from them anymore.
10 That is what it is going to come to and
11 it is coming soon. So without the
12 money and without the people ready to
13 take a triple in their taxes, this is
14 not going to work.

15 I feel bad that this keeps going
16 on and on and all these meetings, all
17 these hearings and people are just
18 getting the shaft that own the property
19 in there. They are dwindling, they are
20 not even coming to the meetings
21 anymore. They cannot keep up with it.
22 Your process is wearing them down and
23 it is just not right because we are all
24 supposed to be on the same side and I
25 don't see that. It is unfortunate

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because that is the way I am looking at this Commission and the policy and the Plan itself.

So I oppose the Plan as it exists.

Thank you for allowing me the opportunity to speak.

MR. PROIOS: Desiree Passantino.

MS. PASSANTINO: My name is Desiree Passantino. I am Vice President of the Wading River Civic Association and on April 26th we took a unanimous vote to support this Plan.

Thank you, I want it for the record.

MR. PROIOS: Joseph Colao.

(No response)

Richard Brennan.

MR. BRENNAN: I am Richard Brennan. I live in North Babylon and I own thirteen acres in the Pine Barrens right up the street. My heart goes out to all these older people that do own

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land in the Pine Barrens. It reminds me of my family that went through all this crap. But, let me go on.

As far as fair, fair market value of what they call fair. If the Pine Barren Act never happened, the fair market value on the Pine Barren land would knock your socks off.

In the townships they have no money, the County has no money, the State has no money; how do they expect to buy this? If you want our land, then you have to pay for it. But, this five, ten, fifteen, twenty year crap ain't going to cut it. I want my money now. If you want it, buy it.

MR. DiPALMA: I want to say one more thing. My wife owns an island in Quanto Bay. She was paying sixty dollars in taxes. From sixty dollars in taxes what do you think they raised it to? Six thousand dollars. How do you like that? From sixty dollars to six thousand dollars. Wetlands, on an

1 island on the water. That is fair?

2 That is fair, huh? That's nice.

3
4 MR. PROIOS: Is there anyone
5 else that wants to address the
6 Commission on this point?

7 MR. AMPER: This has come down
8 to the money, huh? That is what we
9 heard about tonight. The money. Let's
10 talk about the money.

11 The Town and this Commission has
12 made it very clear if they don't put up
13 the money, there will be no Plan. How
14 we can ring our hands and not listen,
15 that is the Constitution, that is the
16 Pine Barrens Protection Act of 1993
17 says, "If we cannot compensate you, you
18 may develop it."

19 When the Plan goes down and
20 fails, I want to see all of the money
21 that you are going to make as you
22 develop the Pine Barrens. We've seen
23 how badly it has gone up to this point.
24 The best economic analysis anybody in
25 this room can do is look at his tax

1
2 bill. If you do residential
3 development, the cost of taxes will go
4 up. It is not very complicated. We
5 can do a lot more building within the
6 Plan or outside the Plan. And, if you
7 build houses, it will cost the
8 Committee. You'll pay for taxes.

9 Where do we pay more taxes than
10 Suffolk County? Nassau County, there
11 is more development. Where more than
12 Nassau County? New York City because
13 there is more development. So, we know
14 the economic impacts. And still, a
15 fair Transfer of Developments Rights
16 Program, there is nothing in this Plan
17 that does not permit on the day itself
18 implemented developers can transfer as
19 many transfer develop rights as they
20 wish. There is no limit on how much
21 transfer can occur.

22 But, we have heard from private
23 property owners that they are not all
24 that enthusiastic about the TDR
25 Program. They want to be paid. Every

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2 individual comes forward and says "I am
3 being hurt" or "my family's being
4 hurt." We are willing to accuse the
5 members of this Commission and local
6 government of usurping the
7 Constitution, stealing land and other-
8 wise deliberately engaging -- I think I
9 heard the expression in a conspiracy
10 just to nail some private property
11 owners.

12 It also seems the people sitting
13 up on the Commission tonight and those
14 of us in the audience on other nights
15 of the hearing are told that somehow or
16 another those of use who live on small
17 parcels don't understand and don't have
18 somehow the same rights as those that
19 hold huge tracks of land, lands on
20 which they speculated, lands that could
21 potentially make them millionaires or
22 have.

23 Have any of you entertained the
24 notion as to why the government is
25 doing this at all? Because there is an

1
2 answer. One gentleman concerned about
3 our efforts to protect drinking water
4 said it had all gone for naught. The
5 answer is no. The people engaged in
6 this Commission and the local
7 government are doing something
8 different here than has been done
9 before and that is what is going to
10 make the difference about protecting
11 drinking water on Long Island. That is
12 what they are doing this for. They are
13 not engaged in personal conspiracies
14 against any of you. They are trying to
15 protect drinking water. Preserve a
16 place we call home.

17 Let's talk about more than an
18 individual. Let's talk about where the
19 money is going to come from. More than
20 two hundred million dollars already and
21 it was put up, not by a few individuals
22 who wanted speculation but by 84
23 percent of the voters of Suffolk County
24 in two resolutions. They have, indeed,
25 put their money where their mouth is.

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They are translating dollars to acquisitions and to groundwater protection. They care. They are the ones that cast the ballots in the last election and in those before that and before that and they will, indeed, be at the polls and they will be looking out for something other than their own private selfish development right.

We may be looking out for one another. In the end it is those people who will make the difference and whether you are a real estate developer, a big time person who owns a lot of land or a private property owner or just somebody who is concerned about the quality of your children and grandchildren's drinking water, the solution lies with the people. With the 84 percent of the people who say the Pine Barrens Protection and are willing to pay for it.

If we stick together and tell our government that this is something

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we will invest in, then the big real estate developer and the small private property owner will be compensated and there will be no takings and there will be no Constitutional violations. And if they do not, if government does not do that, then there will be no Plan and you will be free to do what you please with the land.

I, for one, shall be interested in seeing just how much of a killing you make at the expense of your neighbors. We stick together and we can make whole every private property owner with land in the core through land swaps, Transfer of Development Rights Program, an outright acquisition depending on the choice of the private property owner. There has not been a single solitary example of a person under the Claim Water Protection Program or under the State Acquisition Program who has been told he or she has had to take TDRs instead of

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2 acquisitions or the land will merely be
3 taken from them without compensation.

4 I assure you that the private property
5 owners and the real estate developers
6 are not about to see that happen and
7 neither are we.

8 The difference is that the
9 private property owners and the real
10 estate developers who have appeared
11 here have been wringing their hands and
12 saying we aren't sure about this and we
13 aren't confident about that. The
14 people of Suffolk County have known a
15 tremendous confidence in our capacity
16 to do something that folks said
17 couldn't be done; for dispirit
18 interests to come together for a larger
19 purpose. The Commission has been
20 taunting at this for twenty-four
21 months. We have been at each other's
22 throats for more than six years. If
23 the Plan is to fail, let it fail
24 because government will not fund it.
25 But, please, let us stop betting

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against ourselves. Let us stop investing in pessimism. The process has not worked for any of us very well. We can do better, we are, we have as a result of the collaboration, the voices that have been heard and the records that are being kept are messages that need to fall on the ears of our elected officials and their representatives here tonight. But in the final analysis as you have already concluded, it is going to come down to the money.

Let us stop and turn away from confrontation with one another and turn to our elected officials to fund something that we all can believe in if only government will do what we are asking them to do.

Let's make an investment in optimism. Let us stop complaining about government failure in the past. We all share the same judgment about that. But this is an innovative and a positive plan that offers a real

1
2 opportunity for things to be different
3 tomorrow.

4 If we fail, we will all be
5 losers. But if we succeed, we will all
6 be winners.

7 It will die its own death forty-
8 three days from tonight in the absence
9 of the funding about which all of you
10 have rallied tonight. Take that time
11 to insist that government provide the
12 money we need both to make the private
13 property owner whole and to protect
14 something as basic as clean drinking
15 water.

16 We have spent too much time
17 saying what we cannot do. It's a self
18 fulfilling prophecy. Let's get private
19 property owners, community groups, the
20 business community and the
21 environmental community to go to our
22 government and say fairness, decency
23 and our long term public interest
24 depends on the implementation of the
25 Pine Barrrens Act.

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We have done our part,
government needs now to do its. Let's
get on with it.

Thank you.

MR. PROIOS: The hearing record
will remain open until May 30th for
anyone who wishes to submit any written
comments to the Commission at which
time a responsive summary will be
prepared and it will then be up to the
Towns for their final votes.

Thank you for coming.

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

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CERTIFICATION

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

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

IN WITNESS WHEREOF, I have hereunto set my
hand this 31st day of May, 1995.

Kristina Singrossi

KRISTINA SINGROSSI

* * * *