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CENTRAL PINE BARRENS
JOINT PLANNING and POLICY COMMISSION

In the Matter of the
Public Hearing on the
Draft Comprehensive Land Use Plan &
Generic Environmental Impact Statement

3233 Route 112
Coram, New York

September 28, 1994
7:00 P.M.

PUBLIC HEARING

ORIGINAL

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

- GEORGE PROIOS, Chairperson, County of Suffolk

- CAROL SWICK, Town of Brookhaven, Alternate for Supervisor LaMura

- ULRIC S. HAYNES, State of New York, Representing Governor's Office

- RAY COWEN, State of New York, Alternate Representative for Governor's Office

- BRENDA FILMANSKI, Town of Riverhead, Alternate for Supervisor Janoski

- FRED W. THIELE, JR., Supervisor, Town of Southampton

ALSO PRESENT:

- James Rigano, General Counsel for the Commission

- Steven J. Sanford, Regional Manager, Bureau of Environmental Protection

- Lorraine Trezza, Administrative Assistant, Central Pine Barrens Joint Planning and Policy Commission

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2 MR. PROIOS: I would like to call this
3 meeting to order. My name is George Proios. I
4 am the Acting Chairman, acting for Robert
5 Gaffney, Chairman of the Central Pine Barrens
6 Joint Planning and Policy Commission. With me
7 are the representatives of the different towns.
8 I will allow them to introduce themselves.

9 MR. COWEN: My name is Ray Cowen. I'm with
10 Governor Cuomo's Office.

11 MR. THIELE: I'm Fred Thiele. I'm the
12 Southampton Town Supervisor.

13 MS. FILMANSKI: I am Brenda Filmanski,
14 representing Joseph Janoski for the Town of
15 Riverhead.

16 MS. SWICK: I'm Carol Swick. I'm the
17 designated representative for Supervisor LaMura
18 of the Town of Brookhaven.

19 MR. PROIOS: I would like to start by
20 reading the public notice on the Draft
21 Comprehensive Land Use Plan and Generic
22 Environmental Impact Statement Public Hearing of
23 September 28, 1994.

24 This legislative public hearing has been
25 convened pursuant to Environmental Conservation

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2 Law Section 57-0121(12) and Article 8 (State
3 Environmental Quality Review Act). The purpose
4 of the hearing is to receive public comment on
5 the Central Pine Barrens Joint Planning and
6 Policy Commissions' Draft Comprehensive Land Use
7 Plan and Generic Environmental Impact Statement.
8 The purpose of The Plan is to provide a means
9 for the comprehensive management and protection
10 of the ecological and hydrological integrity of
11 the statewide significant region known as the
12 Long Island Central Pine Barrens, while
13 providing a more predictable and efficient
14 procedure for approving compatible real estate
15 development in the portions of the Pine Barrens
16 suitable for development. The Central Pine
17 Barrens area consists of a 52,000 acre Core
18 Preservation Area that is surrounded by a 47,000
19 acre Compatible Growth Area and is located
20 within the Towns of Brookhaven, Riverhead and
21 Southampton and the Villages of Quogue and
22 Westhampton Beach.

23 Notice of this hearing was published in the
24 Department of Environmental Conservations'
25 Environmental Notice Bulletin on September 7,

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1994 and also in Newsday on September 8, 1994. Copies of these notices are available here for review or upon request. The public comment period is open until October 14, 1994 if anyone wished to submit comments. These should be sent to Ray Corwin, Executive Director of Central Pine Barrens Joint Planning and Policy Commission at 3525 Sunrise Highway, P.O. Box 587, Great River, New York 11739-0587.

This evening's session is a legislative public hearing. It is a formal process by which we receive and record comments from the public on the proposed action of the Commission. Although some of you may have comments regarding other plans or studies on the Central Pine Barrens, only comments relating specifically to the above noted subject matter will be received at this hearing. We are having the record of this hearing transcribed and it would greatly assist the recorder if you speak clearly and slowly so that an accurate record can be recorded. Those persons wishing to be heard will be called to do so according to the number on the upper right-hand corner of the card you

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filled out. This card should include your name and address for the record. There will be a five minute per person limit speaking time. If you would like to come up again and finish something you have not finished, we would accommodate you. In a legislative public hearing, there is no testimony under oath and there is no cross-examination of Commission members or others. If you read from a written statement, we request that you give a copy to the recorder before you speak. It will be given to Commission staff at the end of the hearing and will be made part of the record in its entirety. If you have a lengthy written statement, we would request that you summarize it, rather than read it into the record. Afterward, as explained, it will become part of the record in its entirety. In addition, it is not necessary to make a statement at this hearing. The Commission will consider written comments which are submitted by the end of the comment period and give them equal weight. If you have extra copies, we request that you give one to the reporter, as well as the press, and

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the Commission.

With that, I would like to have the first speaker called.

MR. SANFORD: Assemblyman Steven Englebright.

MR. ENGLEBRIGHT: Thank you very much. I just want to thank the members of the Commission and the County Executive's Office for providing such a very professional context throughout the whole process of planning and including this evening. I think that it is a very good sign that all of the Commission members and their staffs are taking this very serious task with a great deal of solemn dedication. I have a communication which I would like to read into the record.

Dear Commission Members:

I appreciate the opportunity to provide the following comments to you for your consideration regarding the draft version of the Central Pine Barrens Comprehensive Land Use Plan and its accompanying DGEIS. The Plan is a significant achievement, made even more remarkable by the tight time frame under which The Plan drafters

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worked. It represents the culmination of a long, sometimes arduous process, in which dozens of dedicated individuals made outstanding commitments. Everyone who has participated deserves our gratitude and thanks.

My comments tonight are offered in a spirit of construction and cooperation and in recognition of the rigorous schedule under which Commission and agency staff and volunteers labored. Many of these suggestions are a reiteration of comments which I have previously submitted to the Commission; in particular, I refer to my letters dated October 8, 1993 and January 3, 1994, which I'm submitting again here for your clarification. In these letters, I expressed my concerns about the various "Standards for Land Use" that were proposed for nitrate-nitrogen loading, wetland setbacks, and site clearance. I also expressed support for requiring the use of native vegetation in landscaping and the adoption of specific minimum mandatory clustering standards tied to the zoning of the residentially zoned parcel.

In considering the nature of land use

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standards for the Pine Barrens, it is appropriate to refer to the relevant sections of the 1993 Pine Barrens Protection Act for guidance. Section 57-0119 states: "It is hereby found, determined and declared that the Long Island Central Pine Barrens area is a major resource of statewide significance where the hydrological and ecological integrity is endangered." This language acknowledges the fact that the essential features and resources that collectively comprise the Pine Barrens are threatened, an implication that stringent land use standards are required to safeguard these resources from these acknowledged threats.

The statute states that in regard to the land use plan, it shall be designed to:

"Protect, preserve, and enhance" the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal populations and communities, thereof; and "protect the quality of surface water and groundwater."

Specifically, in regard to the Compatible Growth Area (CGA), the region of the Pine

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Barrens where the standards have the greatest relevance, the law states: "Preserve and maintain the essential character of the existing Pine Barrens environment, including plant and animal species indigenous thereto and habitats therefor;" and "protect the quality of surface and groundwaters."

In my judgment, the language for The Plan generally, and the CGA specifically, reinforces the desirability of the Commission to adopt appropriately stringent standards that achieve the laudable goals of protecting, preserving and enhancing the valuable natural resources and features of the Pine Barrens.

While allowing growth within the CGA, the statute conditions such growth be done in a way that protects "the Pine Barrens environment from the individual and cumulative adverse impacts thereof," and "consistent with the natural resource goals pursuant to this article." Based on this language, it is clear that the intent of the statute is to only permit development which achieves these objectives. Moreover, the land use standards used to guide such development in

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2 the CGA must meet this rigorous test as well.

3 In my judgment, several of the proposed
4 land use standards fail to meet the intent of
5 the law. The Plan, for example, proposes to
6 adopt a nitrate-nitrogen standard of six parts
7 per million, a level that is, based on the
8 groundwater quality information presented on
9 page 56, anywhere from 20 times to 300 times
10 above ambient concentrations found in what The
11 Plan acknowledges to be a "nutrient-poor"
12 ecosystem. The Plan also recognizes the water
13 chemistry similarity between the wetlands of the
14 Long Island Pine Barrens and those occurring in
15 the New Jersey Pinelands, where a two parts per
16 million nitrate-nitrogen standard has been
17 adopted. In a personal telephone conversation
18 between Dr. Joan Ehrenfeld, of Rutgers
19 University's Center for Environmental Studies
20 and a leading researcher on the effects of land
21 use/nutrients to aquatic systems, and my staff,
22 Dr. Ehrenfeld indicated there was a high
23 probability of adverse long term changes to the
24 integrity of the wetlands found in the Long
25 Island Pine Barrens if a six parts per million

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2 standard were implemented. Her studies in the
3 New Jersey Pinelands have documented deleterious
4 changes occurring to wetlands when nitrate
5 concentrations exceed two parts per million.
6 This conclusion is supported by several studies
7 and reports that have been undertaken involving
8 the Peconic River and Bay.

9 It is important to stress that there is no
10 rational scientific basis, from an ecological
11 perspective, for a six parts per million
12 nitrate-nitrogen standard. Indeed, as mentioned
13 above, a standard of no more than two parts per
14 million would be warranted. As importantly,
15 this standard is, in my assessment, in violation
16 of the language of the statute that I have
17 detailed above.

18 The Plan proposes adopting a six parts per
19 million standard contending that it will
20 adequately protect groundwater quality and
21 public health. Yet, page 151 of The Plan
22 acknowledges that such a level will provide only
23 a 90 percent confidence level that such a
24 standard will contravene the New York State
25 public health standard for drinking water of ten

1 parts per million nitrate-nitrogen. Stated
2 another way, this means that one out of ten
3 projects will, or may, exceed this important
4 public health standard. In my judgment, this
5 places public health at an unacceptably high
6 risk and is, again, in my judgment, in
7 contravention of the plainly stated objective of
8 the law to "protect the quality of
9 groundwaters."
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11 The information about the relationship
12 between nitrogen concentrations in parts per
13 million and confidence levels is derived from
14 the land use study performed by Dr. Keith
15 Porter, Cornell University, which took place in
16 the Pine Barrens of Southampton. In that study,
17 Dr. Porter recommended the adoption of a two to
18 three parts per million nitrate-nitrogen
19 standard. The two parts per million standard
20 recommended by Dr. Porter would provide a 99.9
21 percent confidence level or only a one in one
22 thousand chance of contravening the public
23 health standard, a risk that is much preferable
24 to a one in ten chance.

25 I recognize there exists a perception among

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2 certain parties that a two parts per million
3 nitrate-nitrogen standard would prevent any
4 development from occurring within the CGA. Let
5 me clearly and publicly state that this is not
6 my intent nor does existing data support such a
7 conclusion. Thousands of development units have
8 occurred in the one million acre New Jersey
9 Pinelands since the adoption of the two parts
10 per million standard there. Additional units
11 have been built in Cape Cod where a five parts
12 per million standard has been adopted.

13 Moreover, nitrogen loading modeling studies,
14 taking place on Long Island, demonstrate that
15 residential development can occur without
16 contravening this standard if it is done with
17 stringent vegetation clearance standards in
18 place and if there is a requirement regarding
19 the use of native flora and vegetation.

20 The 100 foot wetland setback is, from my
21 perspective, insufficient both to adequately
22 comply with the plainly-stated intent of the law
23 of protecting and preserving the natural
24 resources of the Pine Barrens and to safeguard
25 the integrity of the Pine Barrens nutrient-poor

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2 wetland systems. As I have stated in previous
3 correspondence to the Commission, the New Jersey
4 Pinelands Commission has adopted a 300 foot
5 setback regarding wetlands there, wetlands which
6 this plan acknowledges are similar in water
7 chemistry, species composition, etc. to those
8 found in the Long Island Pine Barrens. You may
9 be interested to know that New York City is
10 proposing to adopt a 500 foot wetland setback
11 and a 1000 foot reservoir setback for certain
12 land uses proposed within the watershed of New
13 York City's drinking water reservoirs. We
14 should have no less. I applaud the Commission's
15 decision to mandate clustering. Clustering is a
16 vitally important tool and an effective means
17 for protecting open space resources; it should
18 be employed here. I applaud your recommendation
19 to do so. To ensure the effectiveness of this
20 important land use tool, however, I recommend
21 that the Commission establish minimum standards
22 such as those contained in the Town of
23 Southampton's Aquifer Overlay District. In this
24 local law, for example, 65 percent of the
25 acreage within a five acre zoned parcel must be

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2 left as open space.

3 With regard to the standard relating to
4 open space management, I recommend that the
5 Commission employ easements rather than
6 covenants, very important, to provide adequate
7 legal protection to the open space set aside as
8 a result of a clustered residential site design.
9 Covenants, which can be and have been almost
10 routinely overturned by legislative action, are
11 problematic.

12 I applaud the Commission's proposed
13 standards requiring landowners to utilize, to
14 the greatest extent feasible, native plant
15 species in their landscaping activities. I do
16 not believe, however, that exceptions to this
17 requirement should be allowed for disturbed
18 sites as suggested in section 2.1.4. One of the
19 significant ecological goals detailed in The
20 Plan is to reduce ecosystem fragmentation by,
21 among other means, restoring altered and/or
22 degraded sites. By requiring property owners
23 who degraded sites to utilize native plants, the
24 restoration of these sites can be achieved.

25 I strongly oppose the proposal, as detailed

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2 on page 150, to allow, within the Core
3 Preservation Area, residential use along
4 developed road segments. Permitting such
5 development would cause a number of adverse
6 impacts including the increased fragmentation of
7 the Pine Barrens ecosystem, in direct contrast
8 to the stated intent of the law and other
9 provisions of The Plan. This is also bad
10 precedent. Instead, the Commission should
11 require property owners who meet the conditions
12 outlined in this section to file under the
13 hardship provision process as provided for in
14 statute.

15 As suggested by the comments above, my
16 comments on the DGEIS relate to the review and
17 analysis in this section regarding the proposed
18 land use standards.

19 In my judgment, the section of the DGEIS
20 which addresses these standards are deficient.
21 For example, on page 324, the DGEIS states as a
22 matter of fact that the nitrate-nitrogen
23 standard has been set at six parts per million,
24 yet provides little justification and no
25 analysis as to why this concentration was chosen

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2 instead of another and fails to describe the
3 public health and ecological impacts upon, for
4 example, wetland flora, associated with a six
5 parts per million standard. What are, for
6 example, the public health, water quality and
7 water and ecosystem management implications of a
8 six parts per million standard compared to a two
9 or three parts per million standard?

10 This same concern about a lack of detailed
11 and sufficient analysis also holds true for
12 several of the other proposed standards which I
13 have touched upon in my above comments.

14 The alternatives section, as it is
15 presently constructed, discusses the required
16 no-action alternative, implementation of the
17 Special Groundwater Protection Area Plan, and
18 acquisition of all privately owned parcels
19 situated in the Core Preservation Area. By
20 limiting the section, however, to only an
21 assessment of these alternatives is, I believe,
22 to miss a unique opportunity to comparatively
23 assess a series of appropriate alternatives
24 relating back to the various land use standards
25 proposed in The Plan. Specifically, it would be

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2 very worthwhile for the DGEIS to contain an
3 expanded alternatives section in which different
4 land use standards are assessed and compared;
5 where these benefits and drawbacks are
6 identified.

7 Using the nitrate-nitrogen standard, for
8 example, the DGEIS could analyze and compare the
9 public health and ecological impacts of a
10 limited number of concentrations such as 0, 2,
11 4, 6, 8, and 10 parts per million. Similarly,
12 The Plan could discuss and assess the benefits
13 and drawbacks to a wetland setback of various
14 distances, such as 100, 200, 300, and 500 feet.
15 These alternatives could be presented in a
16 matrix format for ease of comparison.

17 In closing, I have appreciated the
18 opportunity to provide my comments and
19 suggestions to you. I hope that you will
20 incorporate these recommendations as you move
21 toward finalizing a plan as required by the 1993
22 Pine Barrens Protection Act to safeguard the
23 incomparable natural resources and features that
24 collectively comprise this distinctive area.
25 Good luck to you in this most important

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initiative. You have a good plan. With just a little more help, you can make it a great plan. Thank you very much.

MR. SANFORD: Next speaker is Joe Colao.

MR. COLAO: My name is Joe Colao. I represent the Southampton Town Civic Association. I live at 215 Old Westhampton Road, Riverhead, New York, which is actually in the Town of Southampton. I want to thank the Commission for holding this meeting and giving this opportunity to all of us to be heard.

If it were not for the Pine Barrens Protection Act, it would be business as usual. When I look back on Western Suffolk and Nassau County, I don't like what I see. I see higher taxes, crime, traffic congestion, loss of quality of life. There must be a better way. Exactly what is it that is missing? What was the cause of all the fighting? Environmentalists were telling builders "you can't build here on top of our pure fresh drinking water, you can't build there where the globally rare endangered species live." Don't you builders have any conscience at all?

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2 Builders said, "For jobs, for the economy, for
3 our right to do with our property as we wish."
4 Back then, 5,000 acres of Pine Barrens a year
5 was leveled. Environmentalists, civics, people
6 fought back. Then came the lawsuits.
7 Everything came to a screeching halt. Everyone
8 lost and everyone paid with their money, with
9 their time, with their patients. It was beyond
10 government. Government clearly did not have a
11 clue.

12 Now that most of the work is done and
13 waiting for the finishing touches, it seems so
14 elementary. If our neighbors to the west could
15 do it over again, what would they do? They
16 would have planned it much better. Planning was
17 missing. The lack of good intelligent planning
18 is what has left us with a bad taste in our
19 mouths. The legacy of poor planning is just 30
20 minutes to the west.

21 We have a real opportunity here. We have
22 the chance to plan this together.
23 Environmentalists have had their opportunity to
24 speak out and have had their concerns addressed.
25 Builders have had opportunities to speak out and

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2 have their concerns addressed. Civics have had
3 their opportunity to speak out and have their
4 concerns addressed, and property owners too.
5 Now is the opportunity for the rest of the
6 public to voice their concerns, because,
7 finally, finally, a plan is being put together
8 before lack of intelligent planning tears us
9 apart. Thank you.

10 MR. SANFORD: Charles Siegel.

11 MR. SIEGEL: Good evening. My name is
12 Charles Siegel. I commend the Commission on
13 this plan. I am addressing two small issues
14 concerning myself. I am a small land owner in
15 Southampton in the Core Preservation Area.
16 There are two items that I am concerned with.
17 I'll summarize my text and give it to this lady.

18 I'm interested in the single and separate
19 issue, and I have some alternative solutions for
20 the just compensation issue. In a simple manner
21 I find that the development, overall development
22 yield report does not include the single and
23 separate status, it just doesn't include it, so
24 I object to that. In addition to that, on page
25 214 in the paragraph directly below 2C, there is

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2 no mention of the single and separate issue
3 there, which I feel should be mandatorily
4 included on a multi jurisdictional basis, and
5 the size parcels below a half acre, if they are
6 single and separate, should be accorded a one
7 Pine Barrens Credit. I propose that the second
8 sentence in that paragraph be changed to include
9 that provision for that credit.

10 On the second issue, the alternative
11 solutions, since on page 3 of the Draft Report
12 it says that 2.6 million Long Islanders depend
13 on this sole source aquifer, I feel these other
14 persons should also in some way provide the
15 funds for the just compensation. Now, I propose
16 three things: Either increase the sales tax,
17 which I don't think anybody wants, or divert the
18 repeal, as proposed by Governor Cuomo last
19 night, of the utility taxes, for Suffolk County
20 only, to a fund to be used solely to be paid out
21 to just compensation by acquisition. He just
22 proposed this last night, and, it seems to me,
23 once it's taxed everybody usually is amenable to
24 diverting into something else. If not, then I
25 propose something else, and this is for myself,

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2 personally, and all others in a similar
3 situation. I propose the swap of my single and
4 separate parcel in the Core Preservation Area be
5 made for another single and separate plot, the
6 same size with the same zoning enactment
7 relationship in a Compatible Growth Area, say,
8 in Brookhaven for myself, or one of the other
9 seven towns, in accordance with the Land
10 Exchange paragraph on page 232 of the Draft Plan
11 and the paragraph on page 218 of the Draft Plan
12 entitled, "Pine Barrens Credit Use In Suffolk
13 County Outside The Three Pine Barrens."

14 I call upon the Commission to change
15 completely the second sentence in the paragraph
16 entitled, "Land Exchanges," on page 232 because
17 it says in its essence "may do this." I propose
18 that the Central Pine Barrens Joint Planning and
19 Policy Commission will aggressively use this
20 exchange mechanism, including lands in ownership
21 in the name of the Suffolk County Treasurer, as
22 a means to acquire land in the Core Preservation
23 Area. I call upon the Commission to change the
24 words "should" to "shall" in two particular
25 paragraphs; page 218, entitled, "Pine Barrens

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Credits Use In Suffolk County Outside the Three Pine Barrens Towns," and also on the same page the paragraph regarding Pine Barrens Clearinghouse, because that just says "should," I believe it should be "shall," that be a mandatory thing. Thank you for your time.

MR. SANFORD: William Lange.

MR. LANGE: I just put this together recently so it's not neat. I don't know how anyone can consider it fair when we are informed that Suffolk is going to buy the land if funds are not available and it is not known when they will be available. At the same time, Suffolk intends to tax the same land until the funds are available. This would amount to us paying ourselves for the land. That's kind of ridiculous, isn't it? Since we cannot use the land, the least that could be done by Suffolk would be paying yearly interest on the value of the land with no real estate tax. Anything less would be completely unfair, and I don't see how anybody could consider it anything but unfair, and that's all, you gentlemen up there and the lady.

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2 MR. PROIOS: I just wanted to note for the
3 record that Mr. Ulric Haynes of the Governor's
4 Office has arrived.

5 MR. SANFORD: Next speaker is Richard
6 Amper.

7 MR. AMPER: Good evening. Thank you for
8 the opportunity to make this presentation on
9 behalf of the Long Island Pine Barrens Society.
10 We commend the Commission for a very good start
11 and a very extensive Draft Management Plan.
12 Obviously, your purpose here tonight is to get
13 input from all as to how to make it better, and
14 I hope it will focus on how to make The Plan
15 better. Nothing is perfect. It can be
16 improved. I think you heard here from people
17 who have some suggestion, good suggestion,
18 perhaps some with complaints.

19 We have submitted some written comments,
20 and we will supply additional comments to you.
21 We believe it's a strong plan on the Compatible
22 Growth Area making development transfer more
23 fair for all, developers, environmental
24 standards that are more specific. The previous
25 speaker just said there are a lot of the

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2 "shalls" and "we would like to" and "it would be
3 nice" and would be very, very useful to all of
4 us who really want to have certainty in this
5 plan to say this is the way it's going to be so
6 we all know where we stand.

7 Five years ago we were all nowhere at all.
8 The developers did not know whether it would
9 take them six months or six years to get a
10 building permit. They were frustrated with
11 litigation. The environmental groups did not
12 know whether drinking water would be protected
13 or habitats preserved. Civic groups were
14 frustrated that their concerns about creating
15 activity centers and controlling the character
16 of their community was being lost to the
17 proliferation of strip malls and the process out
18 of control and most private property owners were
19 simply unable to sell their property to anybody
20 at any price. That's wrong and what you are
21 trying to do is put forward a plan that will
22 change that; that will tell developers exactly
23 where they can build using what standards,
24 without delay so that the permit process is
25 expedited from six years to six months; that

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2 will tell environmentalists that drinking water
3 will be protected as nowhere else in the State
4 of New York across the entire Central Pine
5 Barrens, the source of our greatest supply; that
6 will tell civic people that they are entitled to
7 progressive planning and input where they design
8 communities themselves and say what the
9 community will look like in the future, and it
10 will, for the first time, provide an adequate
11 fund, more than the first year funding, so that
12 private property owners are properly
13 compensated. None of us can do this by
14 ourselves. Alone the developers will fail, so
15 will the environmentalists, the civics will
16 remain frustrated and the private property
17 owners, uncompensated, but together, ladies and
18 gentlemen, if all of those interest groups plug
19 together and work with you, we will insure all
20 of the goals. None of this plan can fall
21 together well if we do not all consider and
22 accommodate everyone's interest. That's how we
23 have gotten this far, and, if we all agree on a
24 plan that allows for needed development,
25 protects the environment, gives communities the

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2 opportunity to shape their own destinies and
3 compensates private property owners, no elected
4 official will be able to say no and everybody
5 will end up a winner.

6 We welcome the opportunity to participate
7 in that process and make it happen. There are
8 people who are not able to speak tonight, and a
9 large number of people have agreed not to speak
10 publicly for fear that they will repeat other
11 comments, but they brought signs to show that,
12 while we all agree that The Plan can be
13 improved, we are all generally supportive of
14 getting The Plan done, for developers, for
15 environmentalists, for communities, for private
16 property owners. If they could just raise their
17 signs or hands and say, "we like this plan,"
18 then we will go on and make it as good as we can
19 make it and everybody ends up a winner. Thank
20 you very much.

21 MR. SANFORD: Bob DeLuca.

22 MR. DE LUCA: Good evening and thank you
23 for the opportunity to speak before the
24 Commission. My name is Robert DeLuca, and I am
25 the Executive Director of Group for the South

1
2 Fork. The group is a non-profit environmental
3 planning organization, dedicated to the
4 protection of natural resource and rural
5 character in the Towns of Southampton, East
6 Hampton, and Shelter Island. For more than 20
7 years, we have committed our professional staff
8 to the challenge of solving our region's most
9 difficult environmental problems. Today, we are
10 proud to have earned the support of more than
11 3,000 families, individuals and businesses, who
12 comprise our membership.

13 I have come here tonight to offer our
14 strongest support for the goals of the Pine
15 Barrens Plan and to offer our thanks to the
16 dozens of individuals from all walks of life who
17 committed themselves to ending the planning
18 gridlock which gripped the Pine Barrens and took
19 action to create a healthy and sustainable
20 landscape on eastern Long Island, a landscape
21 soon to be defined by the collaboration of
22 stringent environmental protection and
23 responsible economic development. This is truly
24 a plan of the people of Long Island, for the
25 people of Long Island.

1
2 Although I do not have time to thank all
3 those who have committed themselves to this
4 effort, I must single out State Senator Ken
5 LaValle and State Assemblyman Thomas DiNapoli,
6 whose combined efforts on this project turned
7 the community's great intentions into visionary
8 legislation which will benefit all Long
9 Islanders for generations to come.

10 The efforts made to produce the Draft Pine
11 Barrens Plan has been nothing short of
12 astonishing for those of us involved, and the
13 details provided in the document are both
14 educational and informative. In my view, The
15 Plan provides one of the more concise and useful
16 explanations of the complex physical and
17 biological characteristics that define the Pine
18 Barrens. The Plan does a nice job to lay out a
19 detailed framework for the comprehensive
20 management of this state-wide resource.

21 I would like to spend the remainder of my
22 time addressing some of our most significant
23 comments and observations which we have made in
24 response to a detailed analysis of the Draft
25 Plan. For the sake of time, we will submit

1
2 detailed written comments for the Commission's
3 consideration prior to the close of the public
4 comment period.

5 We are proud to support such things as
6 controlled burning to manage that system. We
7 are also supportive of those goals in the
8 Compatible Growth Area which would direct
9 development away from identified critical
10 resources located outside the core preserve
11 area.

12 A point that has already been made, but I
13 will restate it just briefly, is the issue of
14 the nitrogen standard. Group of the South Fork
15 also feels that the six parts per million
16 standard across the entire Compatible Growth
17 Area is inadequate. Very briefly, some of you,
18 I know, are familiar with the County for Outside
19 Comprehensive Assessment Management Program, and
20 I think that program illustrates that if we are
21 talking about protecting natural resources, as
22 well as drinking water, six parts per million
23 standard really is inadequate to insure that
24 protection. We believe the same is true of
25 certain areas in the Central Pine Barrens. The

1
2 standard should be reconsidered. We strongly
3 encourage the Commission to reconsider this
4 proposed blanket standard and to develop a
5 nitrogen standard that is based firmly on
6 multiple resource protection.

7 On the matter of open space protection, we
8 are also happy to see that clustering is a
9 recommendation, but we also support more
10 stringent minimum cluster coordinate similar to
11 that already existing in the Town of
12 Southampton. Very simply what that allows you
13 to do is to preserve larger blocks of Pine
14 Barrens habitat and allow development where
15 development is going to occur and provide for
16 continuous habitat preservation, which is better
17 for the ecosystem.

18 On the matter of the Transfer of
19 Development Rights Program, of all the
20 innovative features of the Pine Barrens Plan,
21 the Transfer of Development Rights Program may
22 be the most innovative and, therefore, the most
23 controversial. Rather than going into great
24 detail, I will simply state that we continue to
25 believe this program is essential to The Plan

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2 and that fleshing out the details of the program
3 should be a priority for all of us involved in
4 working to complete The Plan. I think it is
5 essential for property owners to know how this
6 plan works, and I think it is essential that we
7 endeavor over the next several weeks or months
8 to get that information in a package that's part
9 of The Plan.

10 Rapidly concluding, let me just summarize
11 by saying two points: economic analysis, need a
12 little bit more; generic environmental impact
13 statement, more on the alternatives. A final
14 quote from Robert Frost, "Nature is always
15 hinting at us. It hints over and over again,
16 and suddenly we take the hint." Everybody
17 involved in this process has taken the hint. We
18 are glad to be involved and we are hopeful that
19 this process will continue to proceed as well as
20 it has. Thank you very much. Thank you for
21 your patience.

22 MR. SANFORD: Sara Davison.

23 MS. DAVISON: Good evening. Thank you for
24 the opportunity to speak. My name is Sara
25 Davison. I am the Executive Director and

1
2 Vice-President of The Nature Conservancy's
3 Chapters on Long Island. The mission of The
4 Nature Conservancy is to preserve plants,
5 animals, and natural communities that represent
6 the diversity of life on earth by protecting the
7 lands and water they need to survive. On long
8 Island, we have 20,000 members and have
9 protected privately and in partnership with
10 government over 30,000 acres.

11 We are very proud and happy to be here
12 tonight in support of the Draft Comprehensive
13 Plan for the Long Island Pine Barrens. We
14 applaud the Commission, one of only two State
15 Environmental Commissions encompassing three
16 levels of government, for its dedication,
17 efficiency, and willingness to see the big
18 picture. The big picture means looking at the
19 ecosystem. Our Pine Barrens ecosystem does not
20 obey town boundaries, and we are particularly
21 grateful to the three Towns of Riverhead,
22 Southampton, and Brookhaven for putting in the
23 time to plan for the Pine Barrens, not only in
24 their town but ecosystem wide. Here on Long
25 Island, we are part of a national trend to

1
2 study, plan, and protect at the ecosystem level.
3 As U.S. Secretary of the Interior Bruce Babbitt
4 said, "We are all learning that ecosystem
5 management is the most effective and efficient
6 natural resource strategy and we must organize
7 our biological information on that basis."
8 Ecosystem scale conservation is what The Nature
9 Conservancy's "Last Great Places" initiative is
10 all about. The global significance of the Long
11 Island Pine Barrens helped make the Peconic
12 Region one of the Conservancy's first "Last
13 Great Places" in the Western Hemisphere.

14 The Long Island Pine Barrens Act and the
15 Comprehensive Plan have also served to bring us
16 together. As you already heard, the
17 collaboration of the environmental and business
18 community has fostered a positive working
19 relationship and harnessed the strengths of both
20 for the benefit of our Pine Barrens and future
21 generations.

22 Some of the specific issues The Plan calls
23 for that I would like to highlight are as
24 follows:

25 Land acquisition. Much of the private

1
2 property in the core area will need to be
3 acquired and the remainder of the private
4 property will come under a TDR program. We
5 applaud Suffolk County for their ongoing land
6 acquisition program in the core area and New
7 York State for their commitment. One of the
8 greatest challenges has been designing a TDR
9 program that works, and the TDR committee is to
10 be commended for their extraordinary effort.

11 In the area of land management and
12 research, The Plan calls for a significant
13 amount of research so we can better direct
14 management and other activities. More research
15 is needed to better elucidate the role of fire
16 and the role of groundwater in Pine Barrens
17 wetlands. We commend the inter-agency
18 cooperation shown thus far and believe this plan
19 will lead to improved communication and
20 cooperation, which is necessary if the Pine
21 Barrens is to be managed on an ecosystem scale.

22 If The Plan, once finalized is approved,
23 what will the Long Island Pine Barrens look like
24 in five years? What is our vision of success?
25 There are many visions, but I have listed six.

1
2 1. The Core Area will be protected. A
3 five-year public lands acquisition program and
4 TDR program will have successfully acquired all
5 the undeveloped private property in the Core.

6 2. Communities in the Compatible Growth
7 Area and elsewhere will have participated in the
8 design of receiving areas to maximize community
9 character and state of the art planning and
10 technology.

11 3. Duplicative government commissions or
12 agencies will be abolished, and the Pine Barrens
13 Commission and the local towns will operate
14 together smoothly and swiftly to review
15 projects.

16 4. Land owning agencies will manage their
17 Pine Barrens as a single ecosystem with
18 inter-agency agreements that will include fire
19 management, rare species management, ecosystem
20 research, and recreation. They will have the
21 necessary funding to carry out their mandate.

22 5. The Pine Barrens will come to be
23 regarded as a national treasure instead of a
24 wasteland. Ecotourism will prosper with canoe
25 trips on the Peconic River, hikers on the now

1
2 completed Paumanuk Path and hunting, taking
3 advantage of the Pine Barrens abundant wildlife,
4 on newly established hunting camps, a permitted
5 residual use in the TDR program.

6 6. The Pine Barrens Buckmoth will not go
7 extinct.

8 Thank you.

9 MR. SANFORD: Next speaker is Louis
10 Passentino.

11 MR. PASSENTINO: Hello, my name is Lou
12 Passentino. I'm here representing the North
13 Fork Environmental Council. Ladies and
14 gentlemen, this is truly an important occasion,
15 and the North Fork Environmental Council is
16 pleased to be here. The fact that this hearing
17 is taking place is most noteworthy. Who would
18 have thought two or three years ago that there
19 would be an opportunity to plan on such a large
20 scale and with such a spirit of cooperation for
21 the preservation of the most extraordinary area
22 on all of Long Island? Our drinking water
23 source, our only source, depends for its purity
24 on what happens on the land above it, the Pine
25 Barrens. We are all here with hope, ideas, and a

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2 sense of accomplishment that we have got his
3 far. Congratulations to the several groups who
4 very carefully put together the Draft Plan. We
5 must continue this process so that the sense of
6 accomplishment will grow and the document will
7 become a dynamic guide to the planning for
8 future activities within the Pine Barrens.

9 The North Fork Environmental Council has
10 supported the Pine Barrens Society's goals for
11 several years and worked with the Society and
12 other organizations to help bring about the
13 legislation, The Pine Barrens Protection Act.
14 Our primary area of concern is, of course, The
15 North Fork, which is comprised of Riverhead and
16 Southold Towns. Riverhead has a small but
17 extremely important part of the total area of
18 Pine Barrens within its borders. There is
19 tremendous opportunity here in Riverhead to
20 re-use the previously developed portions of the
21 U.S. Navy owned airfield in Calverton. The Plan
22 accommodates the need for Riverhead's commercial
23 development within the designated Compatible
24 Growth Area inside the fence.

25 There are 3500 acres of buffer zone outside

1
2 the fence at the previous Grumman site which
3 need special protection. Congressman George
4 Hochbreuckner has recommended amendments to
5 Armed Services Bills which would state that
6 these acres be protected. This recommendation
7 does not seem to us to offer enough protection.
8 We hope that Mr. Hochbreuckner will introduce a
9 separate bill which would request the transfer
10 of this property from the Navy to the Department
11 of the Interior, Fish and Wildlife, or Park
12 Services. Without added cost, such a transfer
13 from one federal agency to another would insure
14 experienced management and preservation of this
15 sensitive area.

16 The North Fork Environmental Council
17 supports this exhaustive study called "The Draft
18 Plan." We view it as a living instrument which
19 will be the mainstay for planning for homes,
20 businesses, and recreational uses in future
21 years within the area of the Pine Barrens. We
22 urge endorsement of it now, recognizing that it
23 is not complete, and that if it is used
24 properly, it never will be, just as our
25 Constitution is. Thank you.

1
2 MR. SANFORD: Next speaker is Desiree
3 Passentino.

4 MS. PASSENTINO: My name is Desiree
5 Passentino, and I am the appointed civic
6 representative from the Town of Riverhead for
7 the Central Pine Barrens Joint Planning and
8 Policy Commission, Citizens Advisory Committee.
9 I would like to talk about two very important
10 words which must be included as we decide the
11 impending fate for the future of the Pine
12 Barrens. These two words are "opportunity" and
13 "change." We have all been given an opportunity
14 to shape the future, our future on Long Island.

15 We have a very special place in which we
16 live, work, and play, and by the amount of
17 traffic on Sound Avenue from Wading River to the
18 tip of Orient Point, I would say that there are
19 many people from outside of our area who agree
20 that eastern Long Island is truly a refreshing
21 departure from Queens, Brooklyn, and Manhattan.
22 It's different from areas immediately to the
23 west as well. The East End hasn't lost its
24 rural charm, despite modern day society's
25 demands for fast-paced living. It is to this

1
2 unique quality that farming and tourism still
3 remain as the economic generators for eastern
4 Long Island.

5 Riverhead has long been overlooked as a
6 viable economic center. In fact, Riverhead,
7 with its abundance of natural resources, can
8 become one of the most powerful economic draws
9 for the tourism industry. Riverhead is ready to
10 accept Transfer of Development Rights from the
11 Core Area of the Pine Barrens and utilize them
12 to build up its tax base. With proper planning,
13 Riverhead is in a position to benefit from the
14 Pine Barrens Plan in a way that will compliment
15 and not deteriorate its distinctive quality of
16 life. The Plan gives us a change from the
17 usual, build-anywhere, at-any-cost perspective
18 that we, the ordinary, tax-paying citizens, have
19 unfortunately grown to accept throughout the
20 years. We've always responded to what was
21 planned for us, not asked what we believed was
22 appropriate and desirable. We were
23 reactionaries.

24 We now have been given an opportunity to
25 voice our concerns and desires for our back

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2 yards. The Plan has afforded us all an
3 opportunity to be inclusionaries and be a part
4 of the planning process. I urge everyone to
5 support this plan. It may not be perfect, but
6 it is a meeting place for all concerned parties.
7 It is a plan that we can live with. It is time
8 that we take this opportunity to shape our
9 future. It is time for a change. Thank you.

10 MR. SANFORD: Next speaker is Ann Baird.

11 MS. BAIRD: Good evening. My name is Ann
12 Baird and I'm representing the League of Women
13 Voters of the Hamptons. I'm pinch-hitting for
14 our president, who could not be here tonight.
15 So I'll send you a written comment, but I just
16 wanted to say for our organization, we very
17 strongly commend you, Commissioner, for the work
18 you have done thus far and wish you success in
19 getting the support you need for The Plan from
20 all forces. As I listen to what others have
21 said, I see you have plenty of support from the
22 environmental community, and I hope from the
23 development community too, as they should see
24 that it is to the advantage of all of us to
25 support such a plan. So I commend you and go

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2 forward, and we will send you our written
3 comments.

4 MR. SANFORD: Nina Leonhard.

5 MS. LEONHARD: Good evening. My name is
6 Nina Leonhard, 33 Seneca Trail, Ridge, New York.
7 I have been chairperson of the Lake Panamoka
8 Civic Association and Environmental Committee
9 since 1978, and certainly during my tenure, we
10 have monitored water quality, have been
11 concerned with drinking water and the
12 environment, and have informed residents of what
13 they can do to preserve their quality of life
14 and the drinking water and water quality in Lake
15 Panamoka. In fact, we did a lot before I even
16 began serving as chairperson. So it's a
17 community that is concerned with the environment
18 and is concerned with drinking water. We
19 recognize that the area surrounding Lake
20 Panamoka is sensitive, is part of this plan, and
21 we would hope that the Commission would insure
22 the quality that we now know in Lake Panamoka
23 and have been fortunate enough to experience all
24 these years. Thank you.

25 MR. SANFORD: Next would be Sara Meyland.

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2 MS. MEYLAND: My name is Sara Meyland. I
3 am the Executive Director of Citizens Campaign
4 for the Environment. We are a state-wide,
5 grass-roots environmental organization, and we
6 specialize in water and land use issues. We
7 have been an active participant in the planning
8 process for the Pine Barrens area since this
9 planning effort began. We have made periodic
10 recommendations for changes and issues that we
11 thought should be addressed as the planning
12 process has proceeded, and we will be submitting
13 detailed comments on The Plan prior to the end
14 of the comment period. So what I would like to
15 do this evening is just take a few minutes and
16 comment about a particular aspect of The Plan we
17 would like to call to your attention.

18 First of all, I would like to just read the
19 first sentence, the opening sentence, from the
20 introduction to The Plan which says, "During the
21 1993 session, the New York State Legislature
22 took tremendous strides for protecting Long
23 Island's underground drinking water, preserving
24 its natural resource endowment, and enhancing
25 its economic well being today and for future

1
2 generations." I think anyone who takes a
3 detailed look at the contents of the Draft Plan
4 would have to acknowledge the tremendous amount
5 of work that has gone into The Plan and the
6 great amount of merit that much of The Plan has.
7 Indeed, the initiative by the State Legislature,
8 which we all commend, and the work product that
9 is now before the Commission for public comment
10 is a remarkable document.

11 Further, on the next page, the document
12 goes on to state, "It is the goal of The Plan
13 and the goals of The Plan are designed to
14 preserve the unique ecology and insure the high
15 quality of groundwater in the Pine Barrens." I
16 think any fair-minded evaluation of The Plan
17 would conclude that, in terms of protecting the
18 ecosystem and the land itself and preserving the
19 very unique characteristics of the Pine Barrens,
20 this plan is quite noteworthy. However, I think
21 in all fairness, it is also true to say that,
22 with regard to groundwater protection, The Plan
23 still has a lot of work left to do, and I would
24 like to make some specific comments in that
25 direction.

1
2 The directives given to the Commission and,
3 in essence, to The Plan, with regard to
4 groundwater, were two. One, in the Core
5 Preservation Area, the mandate, the directive,
6 was to protect and preserve the groundwater,
7 and, if, in fact, the many recommendations and
8 the work that is carried out in The Plan is
9 followed through to its fulfillment, I believe
10 that, by and large, the groundwater will be
11 protected and preserved in the Core Preservation
12 Area. However, a different directive was given
13 for the Compatible Growth Area. Its directive
14 was to protect the groundwater quality. I think
15 that is the area which The Plan indeed falls far
16 short. The reason primarily for this is that
17 the method by which The Plan intends to protect
18 the groundwater is to enforce a planning goal of
19 six parts per million for nitrate concentration
20 in the groundwater supply.

21 Let me just review with you what this six
22 parts per million for nitrates means. That is
23 the planning goal for all of Long Island for
24 groundwater protection quality. That is not
25 unique to the Pine Barrens, it is not unique to

1
2 any special area. It is the common goal to
3 protect groundwater quality of all Long Island
4 so that it does not exceed a level, an average
5 level, of six parts per million for nitrates.
6 This level was chosen because it is the
7 threshold from which, if the levels of nitrates
8 go higher up toward the drinking water standard
9 of ten parts per million, it is intended that
10 areas that have high levels of nitrates should
11 begin to be sewered. It is also known that the
12 six parts planning standard, if reached, means
13 that you will be violating the drinking water
14 standard ten percent of the time. Therefore,
15 six is an inappropriate standard to be offered
16 for protecting the groundwater quality in the
17 Pine Barrens, and, in fact, if that is the
18 standard that is sustained, I think that this
19 would be a disservice to the public because we
20 are intending and expecting that the groundwater
21 would be protected in a way that is compatible
22 with the very high quality of the water beneath
23 the Pine Barrens.

24 What happens if you load the groundwater
25 supply with nitrates? Several things. It can

1
2 effect the service water quality, and we know in
3 general that nitrate levels of between half a
4 part per million and one part per million can
5 cause service water ponds and lakes to eutrophy,
6 therefore, degrading their quality. We know in
7 some parts of the country, where groundwater
8 loading to coastal waters is also a concern,
9 planning goals for nitrates loading in coastal
10 waters are as low as .3 parts per million up to
11 .75 parts per million, therefore, are kept below
12 one part per million to protect coastal water
13 quality. We also know that nitrates are used as
14 an indicator for contamination in the
15 groundwater supply and that with high nitrate
16 levels we can and do find other kinds of
17 contaminants; such as, volatile organic
18 chemicals. This was specifically shown in the
19 Suffolk County Groundwater Management Plan where
20 they looked at evidence between specific land
21 use types, and in all of the residential
22 communities with various lot sizes they found,
23 not only specific nitrates, but organics. So
24 you are going to get organics if you allow the
25 nitrate levels to grow.

1
2 We also know that nitrates have a health
3 impact. High nitrate levels can create
4 Methemoglobin Anemia or Blue Baby Syndrome. It
5 is found to be connected with the creation of
6 Nitrosomonas, which are carcinogenic. There is
7 data showing that in some areas nitrates can
8 lead to gastric cancer and at levels not
9 exceeding five parts per million for nitrates
10 there are studies that show that women are
11 placed at risk, and, in some instances, it is
12 suggested that congenital birth defects are
13 linked with nitrate levels of that height.

14 Where do the nitrates come from? They come
15 from sewer treatment and they come from
16 fertilizers. A typical sewage treatment plant
17 at a home residential on-site unit will generate
18 approximately 40 parts per million of nitrates.
19 So if we have high density growth in the
20 Compatible Growth Areas, it is clear that we
21 will greatly degrade the groundwater quality,
22 approach the six parts planning standards, and,
23 in fact, probably exceed it.

24 I want to close by telling you what other
25 areas of the country drink in terms of the

1
2 drinking water quality in nitrates. In Texas,
3 such as an arid area in Texas, .2 parts of
4 nitrates; in areas of Colorado, .3; in
5 Lexington, Kentucky, that gets its water supply
6 from the Kentucky River, .6; San Diego,
7 California, less than one; St. Paul, Minnesota,
8 .5. The ambient level of nitrates in the Pine
9 Barrens now ranges between .02 and .3. It is
10 inappropriate and it is incorrect to adopt a six
11 parts nitrates ambient planning standard for the
12 Pine Barrens, and I strongly recommend to you a
13 standards of one. It is consistent with the
14 high quality that resides in the Pine Barrens,
15 it is consistent with our commitment to the
16 public to protect the water quality, and it will
17 indeed protect the public health and safety.
18 Thank you.

19 MR. SANFORD: Walter Olsen.

20 MR. OLSEN: My name is Walter Olsen. I am
21 a small property owner in the Core of the Pine
22 Barrens Preserve. I would like to, before I go
23 into my presentation here, make just one
24 observation about some of the speakers who have
25 spoken before me, and that is that they can

1
2 afford to be very eloquent in their protection
3 of the environment if they have nothing at
4 stake. I don't share that because I have
5 everything at stake. I attended the Shoreham
6 Wading River meeting in March of this year.
7 Hundreds of furious and concerned property
8 owners also attended, and many spoke expressing
9 their concerns and fears. That night the
10 presenters of the Pine Barrens Act continuously
11 reassured everyone and promised that this would
12 be our plan for our future and not to worry. We
13 were assured our input would be instrumental and
14 our concerns would be addressed.

15 I took you up on your invitation to attend
16 committee meetings, work sessions, and
17 commission meetings from that time to the
18 present date. Unfortunately, my wife and I were
19 the only ones of the small property owners who
20 took the time to sit in on this process. Though
21 we attended, we were observers only and were not
22 permitted to participate. Our concerns and
23 suggestion were not included in The Plan. If
24 the property owners had witnessed what I
25 witnessed, they would all be here tonight

1
2 demanding the total defeat of this plan and the
3 Pine Barrens Act. The committees, I feel, were
4 dominated by unreasonable, short-sighted
5 preservationists, and those who opposed the
6 preservationist attitude were largely ignored,
7 out voted, and recently their attendance and
8 input dropped off. I can say this because I was
9 there.

10 It ignores the property rights of the
11 individual and did not address the future
12 economic needs of Long Island. Mr. Corwin, at
13 several meetings, stated emphatically that
14 comments on this plan should be specific as to
15 what page in The Plan you object to and why.
16 This, everyone knows, would be impossible for
17 several reasons. First, The Plan is written in
18 a confused form that even an attorney would have
19 a difficult time deciphering the interpretation,
20 the content. While it is available at the
21 libraries, the landowner can't spend the time
22 reading such a lengthy and confused document and
23 could not afford to pay an attorney to do it for
24 him. Finally, is the specific problems. For
25 six months they never got a page in this

1
2 document. They didn't even get one line.
3 Therefore, I repeat, properties along roads
4 which have utilities within 500 feet should not
5 be in the Core Area. They are too expensive and
6 do not have funding. Outright purchase of all
7 preserve lands must be available. Your own
8 members have expressed the need for the coming
9 receiving areas. TDR's are an insult. The
10 density to be accepted in the neighborhoods is
11 confused, unclear, unfair, and has never been
12 satisfactorily explained so the small property
13 owner can see what it gets.

14 These are but a few of the problems of this
15 plan. Civil Property Rights Movement has been
16 specific as to our objection, but we have been
17 ignored in the current plan. We do not accept
18 this violation of our civil rights. We must
19 stand and fight. You will surely have to face
20 the wrath of the property owners if you pursue
21 that plan without addressing our concerns as you
22 have thus far. I promise the taxpayers of New
23 York State the largest lawsuit it has ever seen.
24 This is not a groundwater issue. It is not an
25 environmental issue. It is a private property

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rights issue.

MR. SANFORD: Next speaker, Henry Dittmer.

MR. DITTMER: Gentlemen of the Commission, my name is Henry R. Dittmer. I represent C.P.R., Civil Property Rights Movement. We currently have a membership, mainly small land owners in the Core. I really don't know where to begin, but, first, I would like to know why the Commission did not think it was important enough to notify the property owners of this hearing. There was no direct notification, there was no recent press release of this hearing, and there has been no public announcement since July 13. It seems like you still do not want to hear from the property owners, the tax paying property owners, but we are here tonight anyway.

Using your statistics, there are 35,000 land and home owners in the Core and more than 46,000 people living in the Compatible Growth Zone. Thousands of property owners, thousands of property owners that have no representation on any board or on any committee. Why were we ignored? Why were we left out of the process?

1
2 Our organization, C.P.R., had no part or input
3 into this so-called Draft Plan. We are the most
4 impacted group of all. We have so many
5 objections that I cannot possibly cover them
6 all.

7 First, The Plan is unnecessarily
8 complicated. This is clearly designed to
9 subvert the just compensation clause of the
10 Fifth Amendment by steering people into
11 something they don't want, Transferable
12 Development Rights. By making the TDR Program
13 voluntary, you make it difficult to take to
14 court. You are trying to thus avoid the
15 question of just compensation. Very clever,
16 very, very clever, but in truth, this TDR
17 Program is not voluntary, not voluntary because
18 you have left no other sensible choices.

19 The average middle class person doesn't
20 need a tax write-off, so a donation of his land
21 is no real alternative. He will take a loss.
22 Another choice offered is the recreational use
23 of your land. We already have this right. We
24 own the land, gentleman. If you can not build
25 on your land, this is a ridiculous suggestion,

1
2 juvenile. Do you think we like to stand on our
3 land and count pine cones? What kind of
4 entertainment is that? This is not a real
5 alternative. It is a laugh.

6 All the so-called "alternatives" are by and
7 large impractical or silly. Nobody would choose
8 any of the alternatives freely. You are thus
9 steered into the TDR program. That's like
10 giving people a choice of getting shot or
11 jumping off a bridge voluntarily. In truth,
12 these choices are not voluntarily and, in fact,
13 are subject to the just compensation test of the
14 U.S. Constitution.

15 Gentleman, if you do not make major changes
16 and properly fund your undertaking, C.P.R. will
17 be forced to start a class action lawsuit and
18 ask for an injunction to stop all tax
19 foreclosure within the boundaries of the
20 proposed Preserve. It will make the Dune Road
21 fiasco look like kids stuff. You will be
22 subject to many other lawsuits. It will be
23 endless litigation. Do you want to spend the
24 taxpayers' money on unproductive lawsuits in
25 light of the Oregon case and the recent defeat

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2 of the New Jersey Wetland Laws in the Federal
3 Circuit Court of Appeals? Only fools would want
4 to take that route.

5 You know in your hearts that this plan is
6 wrong. Make changes. Provide the necessary
7 money to those who want cash. Make the TDR
8 program better. TDR's are not as good as cash,
9 so you must make them more desirable. That's
10 what Robert Moses would have done. He was
11 generous to the unions and property owners when
12 he built the parkways. He was a negotiator, a
13 deal maker. He got things done.

14 Another objection we have is the separate
15 court proposed on page 207. This is troubling
16 to us because it blurs the executive branch of
17 government with the judicial branch of the
18 government, also relying on the whims of a
19 single judge or justice is not wise. The
20 proposal for special enforcement personnel or
21 police is also a bad idea. These suggestions
22 should all be deleted from The Plan. We do not
23 want the preserve to become a state within a
24 state. And what about the cost?

25 Another impractical part is the proposal to

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get rid of all non-native trees and plants. This is unnecessary and silly. We don't think outlaw shrubs need to be rounded up. This is fanatical and goals like this make environmentalism lose credibility. We do not want to turn the preserve into a museum. What about the cost of this?

Another objection we have is the way the Draft Plan has been constructed as a joint jobs program in disguise. We don't need another OTB. Again, what about the cost? When you read the Draft Plan, ask yourself, who the winners are, and who the losers are, who stands to profit, and who stands to take at loss. This is a jobs programs and that's what this is about. That's what this was not meant to be. This is not what the public has been told. We, therefore, want to guarantee that all property owners inside the proposed preserve are compensated in full before any money is spent on newly created jobs, studies, and surveys. Shouldn't the land be bought and paid for first?

In conclusion, if you can't come up with a better, simpler, more fair plan, then we are all

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2 better with no plan at all. Thank you.

3 MR. SANFORD: Fran Hurley.

4 MS. HURLEY: Good evening. My name is Fran
5 Hurley. I'm First Vice-President of the Yaphank
6 Taxpayers and Civic Association. I'm
7 representing our president, Frank Recher, who
8 cannot be here tonight to response to the Draft
9 Land Use Plan for the Pine Barrens.

10 Our community and organization accepts the
11 concept of the Pine Barrens Protection Plan,
12 however, we have concerns about some provisions
13 of the Draft Land Use Plan. We believe that The
14 Plan needs revision in several areas to truly
15 fulfill the intent of the Pine Barrens
16 Protection Plan, which is to protect an
17 ecological preserve, preserve our water quality,
18 and promote compact, efficient development.
19 Therefore, we support the position of our
20 umbrella organization, the Affiliated Brookhaven
21 Civic Organization (ABCO). Some of our areas of
22 concern are as follows:

23 Water quality. Quality of potable water in
24 the Compatible Growth Area will be degraded if
25 provisions of Article 6 of the Suffolk County

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Health Code are diluted.

Schools. To minimize the fiscal impact on our educational system, The Plan should ensure that within school districts having both sending and receiving areas, transfers, TDR's, should occur only within that district.

Community design. To ensure development is compact, orderly, and efficient, performance standards for development should be mandated and not just suggested, as The Plan presently stands.

Infrastructure. The Draft Plan has no provisions to fund public improvements necessary for Compatible Growth Area communities to receive growth without degradation to their quality of life.

The forgoing synopsis presents some of our major areas of concern regarding the Draft Land Use Plan. Our full response will be provided within the next two weeks.

MR. SANFORD: Jack Hauptman.

MR. HAUPTMAN: Good evening. My name is Jack Hauptman. I'm here as the chairman of the Suffolk County Pine Barrens Commission. I have

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2 handed you a letter that was signed by me in the
3 name of the Commission, also attached to that
4 letter are a series of comments by Commission
5 members. Many of the Commission members worked
6 on and lead a variety of the committees that are
7 developing this plan, and I have included all of
8 their comments for your evaluation. Suffolk
9 County charter requires that the Pine Barrens
10 Review Commission review and evaluate any
11 comprehensive plan that effects the Suffolk
12 County Pine Barrens. As you know, the Suffolk
13 County Pine Barrens legislation includes all of
14 the Pine Barrens located and identified in the
15 County of Suffolk, and, as you also may know,
16 that includes land outside of the subject matter
17 of this plan. I'll go quickly through our
18 comments, if I may.

19 The Suffolk County Pine Barrens Legislation
20 calls for equal protection of all Pine Barrens
21 values wherever they are found in Suffolk
22 County. This plan preserves only some of the
23 Pine Barrens area, the Core Area, at the expense
24 of areas of equal value in the Compatible Growth
25 Area, and both of those areas are in the Pine

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2 Barrens as identified by the Suffolk County
3 Legislation. No plan should allow development
4 within sensitive environmental areas in the Core
5 Area, or in any other place in the Long Island
6 Pine Barrens. In fact, if this plan were
7 adopted as written, other Pine Barrens values in
8 the South Fork, South Setauket Woods, would
9 still need to be protected. In fact, at this
10 time, The Plan is not a plan. I have been there
11 folks, so I can be sympathetic with you. I get
12 the feeling that your attorneys on July 13, 1994
13 said you guys better have a document with a
14 cover on it that says July 14, 1994 and that
15 cover better say the Central Pine Barrens
16 Comprehensive Land Use Plan or else you will be
17 late. I have been there. I know the problem.
18 The document covers a lot of material. It is
19 not yet a plan.

20 A plan should include, to give you example
21 of something not there, a plan should include a
22 map, a map showing where the public owned land
23 is. I know it's on your office wall, it's not
24 in The Plan. It should show private lands that
25 need to be preserved as required by the State

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2 Law. Most importantly, The Plan should show the
3 location of all Pine Barrens values that require
4 protection regardless of their location and a
5 clear delineation of all receiving areas.

6 In addition, we recommend that the current
7 interim goals and standards for the Compatible
8 Growth Areas should be incorporated into The
9 Plan and applied to all future development
10 wherever Pine Barrens values are found. The
11 Plan should include and discuss what
12 institutional arrangements are necessary to
13 implement The Plan, to protect not only areas
14 within the area you are studying, but all Pine
15 Barrens areas in Suffolk County. It should also
16 clearly show how we should simplify procedures
17 and ensure expedited governmental review and
18 decision making in the Pine Barrens.

19 Item Number 3, there is a mistake in it.
20 It says, "many of the receiving areas identified
21 within the Compatible Growth Area have Pine
22 Barren values warranting preservation under
23 County law.

24 Therefore, it is the Pine Barrens
25 recommendation that receiving areas should be

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2 located elsewhere in Suffolk County. It also
3 goes without saying, the receiving areas should
4 not be allowed in any State designated Critical
5 Environmental Areas."

6 The Pine Barrens, as you know, include a
7 variety of habitats; old fields, salt marshes,
8 wetlands, etc. The Plan should point out under
9 what conditions fire should be used to retard
10 natural successions. In addition, The Plan
11 should show where and when mowing, timber
12 cutting, and natural succession should be used.
13 What I'm recommending there is a management plan
14 that shows and delineates how all of the
15 management tools can be used, not just fire
16 management.

17 The Plan should clearly state specific
18 measures on how groundwater quality should be
19 protected. I think some comments on that by
20 other speakers are suggesting to you that they
21 want specific recommendations. Further
22 comments, trails within the Pine Barrens should
23 not be established without the consultation of
24 private trail associations, and, in many cases,
25 trails should not be developed unless these

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2 associations agree to maintain and take care of
3 them.

4 The Plan should be compared with the
5 Special Groundwater Protection Area Plan. Does
6 The Plan, the one we are talking about, protect
7 the groundwater any more adequately than the
8 SGPA Plan in all areas of the Pine Barrens?

9 As I told you, the attachments also contain
10 other detailed comments, and we thank you very
11 much for your attention.

12 MR. SANFORD: Don Seubert.

13 MR. SEUBERT: Good evening. My name is Don.
14 Seubert, and I'm from Medford. I'm here in
15 support of The Plan. I would like the
16 Commission to move rapidly ahead to meet the
17 deadline. Holding up the Draft from becoming a
18 reality will place at square one. Enthusiastic
19 support for retaining the integrity and ecology
20 of the Pine Barrens has sustained
21 environmentalists for years. This plan
22 preserves minimal Pine Barrens habitat. It lets
23 developers know where they can build and lets
24 them build right away.

25 Opportunity sometimes never knocks. Let's

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2 open the door. Let's move this historic
3 legislation forward for all Long Island, and I
4 hope Brookhaven Town takes the lead in this
5 Comprehensive Land Use Plan so all Brookhaven
6 residents can realize the Town's commitment to
7 the quality of our drinking water and the
8 necessity of retaining Core Pine Barrens habitat
9 and the quality of life that drew possibly so
10 many people to this Island. Let's not go back
11 to ground zero. Dedication, good will,
12 expertise, and, sometimes, life long commitment
13 have made the finished product a near reality.

14 Developers, environmentalists, elected
15 politicians, and citizens have worked together
16 to utilize the tools of the planning trade, such
17 as the covenants and conveyances and lease backs
18 and trusts, tax write-offs, that someone
19 mentioned before, besides clustering and TDR,
20 the Pine Barren Chips, and good old-fashioned
21 money. I understand that there is a possibility
22 in the future of 75 million dollars, that's real
23 money. The details are here, even details as to
24 how light intrusion can invite other insects
25 into an area and change the environment and

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2 habitat that's there. The way we are going now
3 creates a dead-end, fragmented habitat,
4 threatened drinking water and shopping mall
5 sprawl. The existing lack of planning places
6 houses septic tanks, commercial and industrial
7 development just where it ain't supposed to be.

8 We just had a DEC meeting in Medford the
9 other day about a hazardous waste site from the
10 past because maybe that shouldn't have been over
11 a recharge area. The Plan protects Critical
12 Environmental Areas, protects historic sights,
13 wetlands, and streams, and our drinking water.
14 It addresses agendas that too many walked away
15 from. Can we not do for our people what the
16 government did for the people of New Jersey and
17 Cape Cod and our New York State Senators and
18 Assemblymen and Governor deem best. The Plan
19 enables better community planning. It makes
20 sense for hamlet master plans. You know where
21 you can build and where you can't and where you
22 must build with extreme caution in order to
23 maintain the integrity of the Pine Barrens.

24 This plan plans for growth. It recognizes
25 impacts to the towns and communities and school

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districts, financial and otherwise. If you look on the appendix there are many notes to that effect. It effectively gives long term stability to areas and school districts cost. It enables over the long term wealth per student to, in reality, increase to impacted school districts. It prevents large districts, for instance Longwood, from becoming overwhelmed by the sudden increase to its 52 square miles, probably double or two times any other school district. I think we all can come out winners. I think everybody just wants to make The Plan a little more perfect and probably they don't call it the Hempstead Plains, Selden, or Centereach, or Medford the Pine Barrens anymore. You just have to go out on 112 and take a look and see why. Thank you very much.

MR. SANFORD: Robert Yaro. He will be followed by Bill Swan.

MR. TARO: Good evening. My name is Bob Yaro. I'm Executive Director of Regional Plan Association. RPA is a 65 year old organization that has been promoting a better growth and development, a more balanced growth and

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2 development, throughout the metropolitan area,
3 and we are pleased to have played a part in the
4 Advisory Committee and in helping to develop The
5 Plan.

6 First, I would like to applaud the
7 Commission, its staff, and the hundreds of
8 people who participated in the Advisory
9 Committee and various working groups, who helped
10 pull The Draft together, and it's probably not
11 appropriate, but I'll disagree with Jack
12 Hauptman by saying that I think this is a good
13 solid first draft. I have been there too, Jack,
14 The Plan is our middle name, and I think this
15 really is a extraordinary piece of work given
16 the tight time frame the staff and the
17 Commission has had. Let me begin by saying that
18 the Pine Barrens, the intent of this legislation
19 was to move beyond confrontation and litigation,
20 and, obviously, we are not quite there yet, and
21 yet the goal was to go beyond the stalemate that
22 we had for many years on Long Island, and it
23 really helped, I think, do a tremendous amount
24 of damage to the economy as well as the
25 environment of this island. The legislation set

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2 out to preserve this Core Pine Barrens area
3 enabling appropriate development in the
4 Compatible Growth Area and instituting a system
5 of land acquisition and transfer of development
6 rights to assure that property owners are
7 adequately compensated. Obviously, here too, we
8 have a long way to go to give property owners
9 that assurance that, in fact, they are going to
10 be duly compensated for any reduction in value
11 that is produced by this plan.

12 The Draft Plan, we believe, sets the right
13 framework for instituting these goals. While
14 some of the details need to be filled in, the
15 Draft Plan sets Long Island and the Pine Barrens
16 on the right course for solving these problems
17 by stating what can be developed and what must
18 be preserved, some specific comments and
19 suggestion to further create this certainty
20 that, I think, everyone in the room is looking
21 for tonight.

22 First, we need to provide certainty by
23 designating Critical Resource Areas in the
24 Compatible Growth Areas. This is not double
25 dipping by the environmental community. The

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2 CRA's were always considered part of the
3 legislative package, a delineation of these
4 areas would be a positive clarification of what
5 should happen in the Compatible Growth Area
6 providing the kind of assurances that property
7 owners, environmentalists, and local officials
8 are looking for designating which areas are the
9 most sensitive, what reviews are going to be
10 required.

11 Second, neighbors need to know what to
12 expect from The Plan development districts.
13 Design guidelines should be formulated with
14 community input in each proposed development
15 district. We are now working on a pilot project
16 in Moriches and Speonk that could be a model for
17 other areas in the Pine Barrens. The Commission
18 could assure that these community-formulated
19 guidelines are adopted by each town as part of
20 their TDR program. We don't believe this would
21 be an additional layer of review by the
22 Commission, it was part of the original
23 legislation in order to ensure that the
24 Commission fulfills its promise of promoting
25 orderly and compact development. Again, these

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2 development guidelines would be administered by
3 the towns.

4 Third, property owners in the Core Area
5 need to be assured they are going to be properly
6 and fairly compensated for any loss in value of
7 their property. To make the TDR system work
8 it's got to be clear and legible and
9 understandable to people, and the experience in
10 New Jersey and other places suggest we can
11 provide a fair and understandable compensation
12 system.

13 Finally, achieving the bold ecological and
14 community design vision that has been laid out
15 in this plan won't be a easy task. Obviously,
16 the controversy won't go away until the final
17 plan is completed and we provide the kind of
18 clarity that, I think, everyone is looking for.
19 But if we do so, I think that it's going to
20 create a model that can be useful in other areas
21 of Long Island and across the tri-state area and
22 the country. The Draft Plan is not perfect,
23 but, we believe, it goes a long way toward
24 fulfilling the vision that was provided by this
25 legislation. We will be providing further

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2 written comments for you during the comment
3 period. Thank you.

4 MR. SANFORD: Next speaker is Bill Swan.

5 MR. SWAN: I'm Bill Swan from East Quogue.
6 My comment is a very specific one, and it
7 relates to the fact that nature doesn't work in
8 straight lines, man does. The Core boundary in
9 East Quogue is 1,000 feet from the south side of
10 Sunrise Highway. It is my suggestion that, if
11 we in the Town of Southampton are to pay for the
12 Core through tourism, through ecotourism, and
13 the current plan to have golf courses is to be
14 fulfilled to the best extent that we can, then
15 we should take advantage of the magnificent
16 views from that ridge line to create a golf
17 course or government golf courses that will be
18 of national stature.

19 You can look from that ridge line out
20 across the point, the Pine Barrens, across that
21 grand expanse of green to Peconic Bay on the
22 North Fork and, on a clear day, out to
23 Connecticut, and, on the south, you see
24 Shinnecock Bay and the ocean. Now, this is a
25 magnificent expanse to take advantage of for

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2 recreation. That we think is a plus. The
3 report, I understand, indicates scenic views are
4 to be improved. You shouldn't leave that entire
5 expanse behind the Core line. That's one point.

6 The other point on straight lines is, at
7 least in the Southampton line, there are lines
8 that cut farms in half because the soil has been
9 ignored, good farming soil that heretofore has
10 supported successful farms, have been ignored as
11 boundary lines. So I recommend that instead of
12 having temporary straight lines, you consider
13 topography and soil. Thank you.

14 MR. SANFORD: Paul Cuddy.

15 MR. CUDDY: Mr. Chairman, Mr. Supervisor,
16 designated representatives, my name is Paul
17 Cuddy. I live at 332 Old Country Road, Eastport
18 in the Town of Brookhaven. Most of the people
19 that have spoken before you came here tonight
20 came because they represent somebody else. I'm
21 here because I represent me. I'm the property
22 owner. It's my property. When these folks talk
23 about implementing change, I'm the person they
24 are trying to change. I'm the one that gets run
25 over in this process. You talk about saving

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2 groundwater, my groundwater is already bad.
3 Down the street from me in East Moriches there
4 are gas plumes in the ground. Down the street
5 from them there's a composting facility that's
6 leaching all types of things into the soil. Up
7 the street from me toward Southampton there's a
8 sand pit which has filled up with water and
9 there are weight runners around it during the
10 day leaching all kinds of things into that
11 water. So the water is already destroyed. I
12 can't drink my water, it's bad already. I have
13 city water now, I have public water from the
14 Water Authority.

15 A couple of gentlemen have mentioned
16 assimilation of information. Unfortunately, I'm
17 a late comer to this process. I don't have any
18 information. I have not been able to get a copy
19 of the Generic Environmental Impact Statement.
20 I have not been able to get a copy of the Draft
21 that you folks made. I would like to get some
22 more information. I came here tonight hoping to
23 find somebody to represent me, hoping to find a
24 politician that was elected to represent me, but
25 I haven't found that yet. I have found some

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2 folks from the Civil Property Rights Association
3 and they seem to represent me. I'm hoping that
4 some of you folks will represent me too. Thank
5 you.

6 MR. SANFORD: Elizabeth Waltel, followed by
7 Edward Ledogar.

8 MS. WALTEL: I'm Elizabeth Waltel from
9 Melville, New York and I'm a small landowner.
10 On August 27, 1994 at the Brookhaven National
11 Lab meeting Ray Corwin spoke to me at length and
12 he assured me I would be able to build on my
13 property because it was cleared, on a paved
14 road, had gas and electric lines running along
15 the frontage, and he said that the Pine Barrens
16 Commission did not want to purchase all the
17 small parcels on developed streets. He said the
18 Commission will not have the money to buy all
19 these small parcels nor the manpower to patrol
20 them to protect the land from illegal dumping
21 and hunting, and pollution, and he said that the
22 Commission feels that a resident on the property
23 would be the best way to keep the property clean
24 and well maintained. I mentioned that I also
25 had a small pond on the property. He said that

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2 would even be more reason to have a resident
3 there to protect against pollution. I urge you
4 to consider the small landowner in your plan.
5 Thank you.

6 MR. SANFORD: Mr. Ledogar.

7 MR. LEDOGAR: My name is Edward Ledogar.
8 I am representing property owners whose
9 properties are within the Core Area and one or
10 two in the peripheral area. I submitted some
11 work on this matter and would like to give a few
12 highlights from it.

13 First, we don't oppose The Plan basically.
14 We oppose the proposed treatment of the victims,
15 namely, the property owners, under it. Did you
16 know that those who purchased property in the
17 Pine Barrens area many years ago were encouraged
18 to do so by what is now an agency of the State
19 of New York, namely, the Long Island Railroad.
20 That entity, the Long Island Railroad, at least
21 some three times over the years, led campaigns
22 to encourage private property owners to develop
23 in the Pine Barrens. The authority for that is
24 cited on page 28 of your plan, Gabriel, The
25 Evolution of Long Island.

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2 Let's look at this closely. We have here a
3 situation where an area, the Long Island Pine
4 Barrens area, which was recognized by the Long
5 Island Railroad, now an agency of the State of
6 New York, to be a place where development was
7 desirable. As a result of campaigns to
8 encourage development, thousands of property
9 owners and their successors made purchases.
10 Amazingly, these same persons are now being told
11 by the successors of those who lured them there
12 in the first place that the area is no longer
13 suitable for development. If private enterprise
14 ever tried this they would go to jail, but the
15 plan, to do this thing under The Plan in the
16 name of the government is preposterous.

17 In all these years, the Towns of
18 Brookhaven, Southampton, and Riverhead did not
19 discourage or restrict the filing of real
20 property development maps. In fact, the filing
21 of such development maps was facilitated and
22 encouraged. Perhaps two or three thousand
23 development maps were accepted for filing in the
24 area now delineated as the Pine Barrens between
25 1895 and 1995. If the overall attitude of the

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2 proposed plan is that private property owners
3 rights are subordinate and worthy of minimal
4 consideration, an example of such attitude is
5 the preposterous suggestion that an owner might
6 be content with the knowledge that his or her
7 rights will preserve camp out on the property,
8 citing Newsday.

9 Upzonings. Over the past ten years or so
10 the Towns of Brookhaven, Riverhead, and
11 Southampton have upzoned vast portions of the
12 lands presently included within the Pine Barrens
13 area in apparent anticipation of their
14 preservation, set upzonings, changed prospective
15 use from that of small residential parcels, in
16 many cases, to that of five acres per home cite.
17 In some cases property usage changed from
18 industrial zone to large parcels of residential,
19 despite the fact that legally a lot of these
20 parcels were subdivided into 20 by 100 foot lots
21 and that is a legal subdivision.

22 The proposed plan does not contain
23 assurances to see to it that private property
24 owners will be given fair treatment to protect
25 them from the double ravages of rezoning and

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2 Pine Barrens taking. Whether respective
3 governmental authorities permitted confiscating
4 private property rights by a system of first
5 rezoning to deplete potential value, then
6 imposition of Pine Barrens restrictions with
7 credits based only on the upzoned remnants, we
8 would have a situation where confiscation of
9 private property by upzoning is permitted. This
10 would violate the United States Constitution,
11 citing Dolan verses City of Tiggett.

12 The Draft Plan must be revised in order to
13 give proper recognition to grandfathered rights,
14 and in order to eliminate the large plot
15 upzoning previously imposed from the valuation
16 considerations and credit allotments.

17 Some conclusions. The proposed plan seeks
18 adoption of regulations and restrictions which
19 are so complicated, onerous, and burdensome that
20 they constitute a complete taking. If and when
21 the three towns adopt this plan, it will be with
22 full knowledge and realization of the
23 encouraging of financial responsibility for full
24 payment according to law. The proposed
25 regulations of transfer and development rights

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2 are unfair, burdensome, complicated, and
3 seemingly predesigned to failure. They are an
4 undue penalty heaped upon an already depleted
5 market. Their implementation is predestined to
6 failure because of their inadaptability in the
7 marketplace. Private property owners whose
8 holdings predate the upzoning imposed by the
9 Towns of Brookhaven, Riverhead, and Southampton
10 must not be further penalized by this plan's
11 credit system. They must be permitted the
12 number of plots allowable according to the
13 zoning in effect when they acquired their
14 property. Finally, property taxation in the
15 midst of confiscation is tyranny. Thank you.

16 MR. SANFORD: Gus Bremer followed by
17 Lorraine Kuehn.

18 MR. BREMER: My name is Gus Bremer,
19 residing at 76 Woodlot Road, Ridge, New York. I
20 just have a couple of concerns I would like to
21 add to comments that have been made. Being
22 active in the Ridge community along with the
23 Lions, ABCO, and the Civic Association, I'm well
24 aware of the planning process. One of the
25 things that I find troubling is that we have in

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2 the Ridge area the North Shore Properties, which
3 is a 2,200 acre tract of development in the Core
4 Preservation Area and Compatible Growth Area,
5 and it seems to be a lack of planning of this
6 project included in The Plan. Without providing
7 the infrastructure, how it's going to be
8 provided, it leaves a very big hole in the
9 middle area of the Core. It's also our concern,
10 our understanding, that Mr. Breslin may have
11 lost financial control of several of these
12 parcels in his proposition, and if he loses
13 control over these propositions, how would the
14 remaining parcels be handled and fitted into the
15 Core presentation.

16 The second concern is, the best thing we
17 can do is protect the Core and buy up land, but
18 it has to be at a price that people can afford
19 to live here or it becomes useless preservation.
20 We need to provide a shift of development from
21 the Core into the Compatible Growth Areas, which
22 leads to the need for improvements of the
23 infrastructure and particularly the roads and
24 recreational facilities. I will give you two
25 examples, the intersection of Route 25, New York

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2 State road, County Road 21, three developments
3 have been proposed around this intersection.
4 Birchwood at Spring Lake, Walmart Supermarket,
5 Breslin Collin Realty on 25. All three proposed
6 traffic improvements that were needed for this
7 intersection. If all three of them are
8 proposed, who is paying for it? The taxpayers?
9 The developers? Where is the money going? Of
10 three different proposals, what is in the ground
11 right now is a one lane improvement that doesn't
12 even go to the continuation of the project of
13 Walmart to 21. That's the lack of planning
14 between State and County and Town agencies that
15 lead the problems and frustrations of the
16 public. I would suggest to you too, that we
17 must address where the money is going to come
18 from for the infrastructure, as well as the
19 purchases. The recent announcement that the
20 fourth lane on the Long Island Expressway is now
21 two years behind project, the need for funding
22 of Route 25A, funding of Route 25, the funding
23 for County Road 111, the need for 112, the need
24 for road improvements on 347, all state roads.
25 These are improvements that are needed with the

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2 existing development committed to by planning.
3 We cannot continue to build and concentrate
4 development in one area if we don't provide the
5 infrastructure and the roads there first.

6 Secondly, put into the Core Preservation
7 Area was Town recreational areas, specifically,
8 Brookhaven Town Park. That was a 200 acre park
9 that has always been slated for development of
10 recreational needs in that section of
11 Brookhaven. That was placed in a Core Area. We
12 must address finding another source of
13 recreational areas within that area to provide
14 for the youth of the Longwood School District,
15 specifically. One point that I would like to
16 address, I read an announcement that there is a
17 public hearing for the Rocky Point Preserve
18 5,200 acre Core, which is to be held October 16,
19 held by the DEC on how to use this land. This
20 land is in Core Preservation Area and we would
21 think it would be part of this public hearing.
22 If we are going to start developing Core
23 Preservation Area for recreational uses, then
24 why that 200 acre park in the Town of Brookhaven
25 which is being denied use as a athletic field.

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2 I seems to be contrary. I would like the public
3 to be aware that meeting is scheduled for
4 10/6/94 it has to be held at the Brookhaven
5 Labs, two meetings one at 2:00, another at 7:00.
6 Thank you.

7 MR. SANFORD: Lorraine Kuehn.

8 MS. KUEHN: Good evening. My name is
9 Lorraine Kuehn. I am presiding officer of the
10 Manorville Taxpayers Association. The Pine
11 Barrens is Manorville. Commissioners, there can
12 be no decision made on this Land Use Plan at
13 this time, because it is only 50 percent
14 complete. The fiscal impact of this plan is
15 absent. Projected costs for land use management
16 and how it will be financed is not addressed.

17 The Commission makes several
18 recommendations for the operation of this Land
19 Use Plan to succeed, yet fails to address who
20 will pay for it. Is fire management to be
21 placed on our fire districts taxes? Is road
22 improvement to increase our town highway taxes?
23 Is field management to be levied on our County
24 Taxes? Will school enrollment increases burden
25 our school boards and ultimately the homeowners?

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2 Has anyone looked at the second to the last
3 page where it shows that the Eastport School
4 District has increased 51 percent in the last
5 three years? South Manor and Eastport are above
6 optima capacity and yet they lie in the fast
7 growing area hamlet in Brookhaven Town,
8 Manorville.

9 Has anyone realized that the study on the
10 roads in Manorville and Eastport has not been
11 done yet? This area which has the largest
12 sending area has one lane winding roads that
13 don't network very well.

14 This Draft Plan is so narrowly focused on
15 preservation, that I chuckled when I saw the
16 pages of plants listed that should be avoided
17 and even outlawed. Is the Town's Animal Shelter
18 going to hire a flora foot police?

19 Community Outreach was selective on who
20 they met with and selective on how the residents
21 responded to them. On a separate sheet of
22 paper, I have written all the corrections to be
23 made concerning the Manorville Taxpayers
24 Association. Besides basic information; such
25 as, name and address being incorrect, the public

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2 value matrix is inaccurate. The MTA, as well as
3 other associations, have questioned many of the
4 issues listed, yet the chart implies that no one
5 did.

6 Community Outreach never reached the school
7 boards. Brief contact was made with the
8 Superintendents of the South Manor and Eastport,
9 during the summer. These superintendents are
10 still waiting for a response of the recommended
11 yield of this plan. Why is TDR limited to the
12 Compatible Growth Area? It is common knowledge
13 that the groundwater under the Core Area is not
14 being pumped but, rather, from the Compatible
15 Growth Area. Why is the CGA being jeopardized
16 with increased density?

17 We recommend that there be direct
18 acquisition of land within the Eastport School
19 District. A recent school merger study within
20 Eastport estimates 850 more students is
21 projected from the subdivisions presently
22 approved.

23 We recommend that residential development
24 credits be purchased and exchanged for
25 non-residential developmental credits in all of

1
2 the Compatible Growth Area school districts.

3 We recommend that all of Long Island be
4 considered as a receiving area. Since this is a
5 Long Island resource, let the impact of density,
6 traffic, and loss of open space be equally
7 distributed. Vacant lots across Long Island
8 should be used.

9 We recommend a finance committee be
10 established to create a complete economic
11 analysis. What will it cost to operate this
12 project and where will the money come from to
13 support such an infrastructure? The monies
14 promised by the State and County are earmarked
15 for acquisition, not operation.

16 We recommend a school impact committee be
17 established to project student enrollment
18 increases and meet with every school board
19 involved in The Plan.

20 We recommend the Draft Plan broaden its
21 scope. Besides the descriptions of plant,
22 animal, and mineral within the Pine Barrens, let
23 it describe specific area recommendations and
24 procedures needed to succeed.

25 Commissioners, this Draft Plan is

1
2 self-serving to the environmentalists and the
3 developers. Little regard is given to the
4 landowners in the Core, nor the residents of the
5 CGA, who live in the eastern section of
6 Brookhaven because of less density. Not enough
7 research has been done to give this Draft Plan
8 any merit for a decision. The Manorville
9 Taxpayers Association strongly urges you to vote
10 against this Draft Plan as it is presently
11 written.

12 MR. SANFORD: Thomas Higen.

13 MR. HIGENS: My name is Tom Higen. I live
14 in Ridge on Sally Lane. Tonight I have heard
15 some very eloquent and very smart speakers. I,
16 unfortunately, am not smart, I am not capable of
17 understanding the huge volume of work that is
18 contained in this booklet that you people call a
19 plan. I personally am very simple. I work for
20 \$12 an hour, when I can get the work. I have
21 three businesses that I run. My money is eaten
22 up by taxes. The only thing I have is my
23 property, and how anyone could ever consider to
24 better the quality of life for the people in our
25 community and our state by taking away a

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2 taxpayer's right to their property and the right
3 to use that property or build on that property,
4 to me, personally, is absurd when the taxpayers
5 have built a government that takes care of us,
6 that taxes us, and all I ask that you people do
7 is, when you consider, before you sign this, the
8 rights of the taxpayers that pay your salaries,
9 that make this country great, and remember that
10 people during the 1700's fought and died for
11 their rights to use, keep, have, and hold
12 property. Thank you.

13 MR. SANFORD: Dan Morris.

14 MR. MORRIS: Dan Morris from the Open Space
15 Council. Just a brief couple of comments. We
16 will be providing written comments on the DGEIS,
17 and The Draft Plan before the due date.

18 Congratulations to the Commission, their
19 staff, and all who labored to bring the Pine
20 Barrens Plan to this significant juncture. Many
21 said it couldn't be done, some said say it
22 shouldn't have been done, but here we are.

23 In the spirit of cooperation and work with
24 others, the Open Space Council believes it will
25 be able to strongly endorse the final plan as

1
2 being a fair and reasonable alternative that
3 will substantially protect the ecology of the
4 Pine Barrens, protect the essential character of
5 our communities, protect our drinking water
6 supply, and allow for orderly and efficient
7 development in those areas where it makes the
8 most sense to direct intense usage.

9 Just to comment on private property rights,
10 it is almost axiomatic that the more people that
11 exist in a given area, the less individual
12 rights, including property rights, can be fully
13 exercised. It is an inherent and necessary
14 function of a democratic government to balance
15 individual rights and community goals. This
16 plan was initiated to accomplish this and has
17 largely succeeded. The Open Space Council would
18 be more comfortable with more outright public
19 acquisitions, but believe that a fair, workable
20 TDR Plan can restore the value to private lands
21 within the Core Preservation Area, and that a
22 land transfer arrangement will also be a
23 valuable tool in preserving the Core Area.

24 Again, we thank you for the opportunity to
25 comment and for the time and effort that has

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been expended on this great enterprise.

MR. SANFORD: Joyce Hettrick.

MS. HETTRICK: My name is Joyce Hettrick, and I am an endangered species in the Core of the Pine Barrens. My grandfather came to Manorville many, many, many years ago. My father is 83, and he has lived in Manorville all his life. I have lived in Manorville for 52 years. So you can see my family has been there a long, long time, and I'm just wondering, all these people that brought up this Pine Barrens thing, where they came from; where they live now; how big is their property; do they have property for sale in the Pine Barrens?

I have been trying to sell my property for awhile, and no real estate agent even wants to hear about Pine Barrens. They say what can we do with this property if we buy this property? I said, "Well, I have no guarantees." I called up the man in charge, and he told me that the booklet that you have on the Pine Barrens was so complicated that I probably need a lawyer to read it. I said forget it. I'm not interested in it if it's that complicated.

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2 Our use in our area has changed from
3 agricultural to scenic rivers to Pine Barrens.
4 We have been upgraded three times already. I
5 have three building lots, and I have not been
6 notified about what my development yield was
7 supposed to be for my lots, and I understand I
8 was supposed to be notified back in March
9 sometime. If all this property is taken in the
10 Pine Barrens, the taxes on all the other lands
11 will have to be elevated, and they are high
12 enough now, to compensate for the loss of
13 revenue. People are leaving Long Island as fast
14 as they can go. Who will be left to pay the
15 taxes? Are the taxpayers of the County aware of
16 all the County park lands that are available to
17 them, that we have paid for with our tax money,
18 that you aren't supposed to set a foot on unless
19 you have previously obtained a permit?

20 I live very close to Grumman, and if that
21 Grumman Buffer Zone needs protection, why did
22 the DEC dump creosol all around this zone? And
23 the DEC sponsors shooting just up the road from
24 us, which leaves led shot all around on the
25 ground, and I wrote letters to all my

1
2 legislators, anybody I figured could find a
3 solution to this, and I was brushed aside like
4 this was no big deal.

5 The Pine Barrens, as the name suggests, is
6 lands where only pines grow. We live in the
7 Core and we have oaks, maple trees, and anything
8 we would like to grow grows there. We have many
9 clay layers under the soil where water cannot
10 penetrate. I don't see how we are a water
11 recharge area, and if anybody is familiar with
12 Townsend, who writes his editorials in the
13 newspaper, he wrote in there according to the
14 New York Times and Newsday, in referring to
15 Suffolk Pine Barrens, always refers to it as
16 being the "aquifer," when the facts are that the
17 aquifer extends under all of Long Island, has
18 the capacity for a thousand years and rainfall
19 gives us four times what we use. Another
20 article from Townsend to New York State Senator
21 Ken LaValle, "shoot ourselves in the foot
22 award," and Assemblyman Thomas DiNapoli,
23 responses of Pine Barrens Act for perpetuating
24 the myth that the legislation was developed to
25 protect a sensitive ecosystem vital to Long

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2 Island's drinking water.

3 Long Island aquifers recharge 1.1 million
4 gallons a day per square mile and a 70 trillion
5 gallon reserve insures that Long Island's
6 drinking water needs will be met for a thousand
7 years. If peak volume was pumped daily for 260
8 years, Long Island would not run out of water
9 even if it never rained, and who is to take care
10 that this water remains clean in the Pine
11 Barrens, if in fact it is an aquifer? People
12 are dumping all the time there, and the
13 residents keep a watch. Now we want to be rid
14 of those residents, correct? Worrying about the
15 nature and the animals that are native to the
16 area, which I presume are mice and deer, we have
17 got ticks so bad in Manorville, in the last three
18 days my husband had a tic on him. He has Lyme's
19 Disease now, and all our neighbors have Lyme's
20 Disease. Then this past summer we had
21 encephalitis mosquitoes. I don't see what's so
22 wonderful about the Pine Barrens.

23 All I'm concerned about is that my father
24 and my father's cousin, who lives next door to
25 him, had land taken by the Wetlands when I was a

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2 child and he was offered less money than he paid
3 to have a pond dug. He was offered, I believe
4 that was \$250, and he refused it because that
5 was so outrageous. So he never got paid and
6 neither did his cousin get paid for his
7 property, and the money is sitting in the State
8 coffers and they told him he would need an
9 attorney to obtain that money. Do you know how
10 much an attorney would charge to get that money?
11 Well, I think all you people better reconsider
12 this Pine Barrens situation with the land
13 takeover, because I have a strong feeling that
14 we are going to be in the same boat as my father
15 was with his wetlands property. I thank you for
16 listening, and I hope you reconsider.

17 MR. SANFORD: John Lukas.

18 MR. LUKAS: I'm John Lukas. I represent my
19 father, Frank S. Lukas, who has resided on Starr
20 Boulevard in Calverton for the past 40 years in
21 what is now known as the Core Preservation Area.

22 For 40 years my father was able to maintain
23 and improve his properties without any
24 interference from others, except government.
25 Now, out of the blue, he is being told the

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2 property he resides on and an adjacent lot that
3 he owns is no longer under his control, that the
4 lot he resides on, he will not be able to
5 improve upon, as he has done in the past. In
6 fact, the existing topography of this property
7 is now considered in violation of Article 57.

8 An adjacent cleared lot, also owned by my
9 father, cannot now be given to his children or
10 sold, if he wished it to be sold. Even though
11 these properties exist in a residential area,
12 with an 80.4 percent housing saturation, just
13 because it is in the Core Area, he has lost any
14 control on it, all of his rights.

15 We hear about the rights of nature, of
16 environmentalists. Where are the rights of my
17 father? Will the County pay the \$47,000 the
18 adjacent lot is worth and not worthless paper or
19 TDR's? Will my father be able to sell the lot
20 he resides on as a residential property if he so
21 wished? Nowhere in Article 57 are the rights of
22 the resident property owners noted. The
23 resident property owner and his rights should be
24 grandfathered in any final draft of the law.
25 Any okay given by government to a property owner

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2 should not be second guessed by nonresidents or
3 they should not be allowed to bring suit. If
4 you live in Huntington or Babylon, you can sell
5 your property or house for a profit to anybody
6 you wish. If you live in Smithtown or Islip you
7 can build a deck, install a pool, all with just
8 a okay from local government. If you live in
9 the Core Area, that's just a dream. No sales,
10 no pools, no life; just salamanders. The
11 residents of the Core Area need to live just
12 like the outsiders. Amend this act.

13 MR. SANFORD: John McDonnell.

14 MR. MCDONNELL: Gentleman, I am John
15 McDonnell from Brookhaven. I bought a piece of
16 property from Leads, 1960. He told me I could
17 find property to build on. No, I couldn't find
18 property to build on. I went to the Town trying
19 to find out where the location was. I couldn't
20 find it. I paid taxes on it for ten years.
21 Finally, I had to go to Newsday after going to
22 all kinds of lawyers. Newsday put a thing in
23 the paper saying, "Where is the property that
24 the taxes are being paid on that nobody can
25 find?" About two weeks later Leads calls me up

1
2 and tells me I can have property in Eastport.
3 Now I'm going through the same routine again.
4 After they found the property they could never
5 find for almost 15 years, all of a sudden there
6 was a big development putting \$150,000 homes
7 there. What's going to happen out in Eastport
8 with this wetlands thing? They're going to find
9 a property later on and then give it to some big
10 builder to build up out there, and they are not
11 going to pay me what my property is worth? I
12 went there about ten years ago asking to buy
13 property there and the guy tells me, "If you
14 want to buy there, it will cost you \$120,000."
15 They are going to give me \$20,000 for a piece of
16 property I can't build on? I would like to give
17 that to my daughter to build on. She won't be
18 able to build on it. Thank you very much.

19 MR. SANFORD: William Marsden.

20 MR. MARSDEN: Good evening. I am William
21 Marsden, President of the Longwood Central
22 School District Board of Education. I'm here to
23 address just one area of The Plan and that is
24 how it will impact the education of students in
25 the Longwood Central School District and any

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2 other central school districts.

3 Longwood School District encompasses 53
4 square miles. It's one the fastest growing
5 school districts on Long Island with
6 approximately 10,000 students. The district is
7 in the heart of the Core Preservation Area and a
8 large portion of it. The tax base of our
9 district has decreased approximately five
10 million dollars in the last six years. We have
11 no industrial base, the tax burden to educate
12 the students of our district falls entirely on
13 the home owners. That's due to the assessments
14 being reduced by five million dollars over six
15 years. Our budget, which was finally passed
16 this year, is not a budget with frills. It's a
17 budget which, in a sense, could be described as
18 self-imposed austerity. Our school district at
19 this point is overcrowded. Our four elementary
20 schools, each campus houses over 1,000 students;
21 a six year old high school, that opened six
22 years ago, is just about at capacity. The
23 Longwood Central School District with 53 square
24 miles, we right now have RCA properties of 5,100
25 acres, the Park Brookhaven National Labs with

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2 5,000 acres, Brookhaven State Park with 2,200
3 acres, and the Town Park, approximately 200
4 acres. The citizens of our district can no
5 longer afford to have the assessments reduced.

6 Our Board of Education has strongly taken
7 the position that consideration be given to any
8 of the TDR's, that they must remain in the
9 school district. We also recommend lower
10 density in any housing, whatever the
11 finalization of this plan, we believe, and I
12 believe, that the higher the density the more
13 it's going to cost, the higher the taxes, we'll
14 have to support more government, we will have to
15 support the infrastructure to provide these
16 services. The school district taxes are the
17 largest single portion of anyone's tax bill. We
18 feel that The Plan should address more of those
19 issues.

20 We also feel the schools must be given some
21 sort of impact date whenever The Plan negatively
22 impacts the educational institution of the
23 children we serve. We at Longwood truly believe
24 that children are the greatest natural resource
25 of our community and their education should also

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2 be protected.

3 Our Board, as I said, we are seven
4 individuals that have various opinions on all
5 aspects of this plan, but we are unanimously,
6 all seven of us, in support that the Commission
7 really takes a very strong look, works with the
8 local school districts in finalizing whatever
9 plans you choose. Thank you.

10 MR. SANFORD: Eddie Foster.

11 MS. FOSTER: I'm under the delusion that I
12 own two acres of land on North Street in
13 Manorville. There are so many more people at
14 Shoreham-Wading River, I congratulate you
15 because I think you're wearing us down, but some
16 of us will come back time after time.

17 I addressed the County Legislature in
18 Riverhead, I addressed the County Legislature in
19 Hauppauge, and I was at the fiasco at Brookhaven
20 National Labs that was supposed to start at 10
21 o'clock and the auditorium was open forever and
22 ever, and after 12:30, one o'clock, when certain
23 people didn't show up or whatever, it never took
24 place, I left.

25 I'm very curious about those who speak for

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2 the Pine Barrens tonight or any other time. How
3 many of them own land in the Core Area? Zero.
4 I'm also deeply concerned about the recent
5 purchase of several large tracts of land. To
6 date, \$6,000, \$7,000 an acre. Hardly fair
7 market value. Having lived in the Town of
8 Brookhaven for 49 years, I can only suspect what
9 kind of clandestine deal took place so that this
10 \$6,000 or \$7,000 amount would be published in
11 the newspaper so the rest of us would say that's
12 what I guess they are going to do.

13 I didn't buy that land. That land was
14 given to me by my mom and dad. That land was
15 given to my dad by his mom. I grew up in
16 Manorville not 200 feet from the land that I
17 think I own, that I'm paying taxes on, that I
18 can't build on. My sister built on her two
19 acres, she was the first born. My brother built
20 on his two acres, he was the second born. I'm
21 the baby of the family, and I'm not going to be
22 able to build on my two acres, unless you people
23 do something about it. Basically, I support
24 land preservation, but I do not support land
25 theft. Those people who want to sell their land

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2 to the Pine Barrens, fine, but there are those
3 who do not want to sell, and they should not be
4 force to sell, move, or take unfair value for
5 their land.

6 Does anyone here, with the power to
7 implement this plan as it now stands, see that
8 this plan is insane, immoral, and probably
9 illegal.

10 Instead of removing hundreds of acres from
11 the tax roles and further making Suffolk County
12 and New York State an unaffordable place in
13 which to live, why can't large tracts be made
14 into five or ten acre zoning and smaller tracts
15 and single and separate ownership be allowed to
16 build and thereby supporting the now eroding tax
17 base?

18 Additionally, someone like myself, with a
19 small parcel, two acres, will be the last on
20 your list of negotiations and acquisition. What
21 this means is decades of taxation without the
22 right to build. If this is not illegal and
23 immoral, I can't imagine what it would be.

24 Finally, I'm asking everyone here tonight
25 who expects to be wronged by this plan to

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2 encourage the CPR begin immediate class action
3 case, not wait and see how much further you can
4 bungle this. I also ask that anyone here
5 tonight who expects to be wronged by this plan
6 vote in November and vote everyone, who is
7 presently in office, out, from the Governor on
8 down and it doesn't matter what party, democrat,
9 republican, or whatever. We will show you that
10 we will not accept land theft. Thank you.

11 MR. SANFORD: Connie Kepert.

12 MS. KEPERT: Good evening. Congratulations
13 to the die-hards who still remain in the
14 audience. My name is Connie Kepert. I'm an
15 Affiliated Brookhaven Civic Organization
16 Representative. The Pine Barrens Protection Act
17 makes three important promises. It promises to
18 protect an ecological preserve, preserve the
19 quality of our drinking water, and to promote
20 compact and efficient development. It further
21 fails to adequately mitigate impacts on
22 important quality of life variables; such as,
23 the quality of our roadways, schools, and
24 recreational resources.

25 I have some comments on groundwater

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2 quality, but since Sara Meyland and Assemblyman
3 Englebright dealt with that adequately I will
4 defer it.

5 Community design. The Act states that The
6 Plan shall discourage piecemeal and scattered
7 development and accommodate development in a
8 manner which is consistent with the long term
9 integrity of the Pine Barrens. The Act further
10 states that The Plan should ensure that the
11 pattern of development is compact, efficient,
12 and orderly.

13 Unfortunately, the Draft Plan, as written,
14 fails to accomplish these goals. The form with
15 which density will take once it is transferred
16 into Compatible Growth Area communities was not
17 adequately addressed. On pages 220 to 228, the
18 Plan contains an excellent section on community
19 design criteria. Unfortunately, this section is
20 worth less than the paper it is printed on
21 because these criteria are not required aspects
22 of The Plan.

23 Nowhere do developers have to implement
24 them, nowhere are they mandated. This is a
25 travesty which guarantees that The Plan will not

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2 fulfill its mandate to transfer growth in a way
3 that will enhance Compatible Growth Area
4 communities.

5 To fulfill its promise to the Compatible
6 Growth Area communities, The Plan must do more
7 than pay lip service to design standards.
8 Performance standards must be mandated within
9 The Draft Plan.

10 On page 217 of The Plan, proposed
11 Residential Overlay Districts. This section is
12 in conflict with the purposes of the Act, which
13 states that The Plan shall discourage piecemeal
14 and scattered development, and ensure that the
15 pattern of development is compact, efficient,
16 and orderly. Residential Overlay Districts will
17 simply intensify the planning mistakes of the
18 past by allowing development to continue in a
19 scattered and dispersed manner within GCA
20 communities, and by intensifying the density of
21 that development. ROD's are not compact and
22 efficient. They are simply the continuation of
23 bad planning and, thus, should be strictly
24 limited. Further, all ROD's should be mapped to
25 provide for at least minimal review from

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2 effected communities. Further, as stated on
3 page 224 of the Draft Plan, ROD's should be
4 located adjacent to hamlet center activities and
5 services to provide for pedestrian activities.

6 In the area of recreation, the Act stated,
7 "The goals for the land use plan include the
8 promotion of both active and passive
9 recreational and environmental educational uses
10 that are consistent with the Lands Use Plan.
11 Further, any expansion of existing recreational
12 facilities should be permitted as
13 non-development." The Act, however, does not
14 state that such expansion should meet the
15 restrictive definition of active recreation
16 contained in the Draft Plan. I request,
17 therefore, that the section labeled "Active
18 Recreational Activities," on page 199, be
19 expanded to include ballfields and that within
20 the section entitled "Incompatible Recreational
21 Activities" the word "ballfields" be deleted.

22 The Town of Brookhaven contains the largest
23 portion of the population in the Central Pine
24 Barrens with 49,719 people, or a full 87 percent
25 of the Pine Barrens population. A full 47,719

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2 of these people live in the CGA. However,
3 recreational lands located in the Compatible
4 Growth Area consists of only 3,517 acres, while
5 in the Core, recreational lands take up 20,574
6 acres. In order to meet both the recreational
7 needs of current and future residents, The Plan
8 should designate locations appropriate for the
9 location of ballfields and if these locations
10 must be purchased, The Plan should provide the
11 funding for these locations.

12 As concerning the alternatives listed in
13 the GEIS, and I think that the GEIS is totally
14 inadequate, I point out that Alternative 2, the
15 Long Island Comprehensive Special Groundwater
16 Management Plan, preserves more land, better
17 protects groundwater quality, and does not
18 negatively impact Compatible Growth Area
19 communities. I must, therefore, wonder why our
20 representatives, environmentalists, and business
21 people concerned with the future of our region,
22 have not instead attempted to implement the SGPA
23 Plan.

24 I stress to those who will be asked to
25 modify this plan and those who must eventually

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2 decide if it is worthy of implementation to
3 weigh heavily, not the narrowly focused agendas
4 of special interest groups, but rather, the
5 needs and interests of those of us who call the
6 Pine Barrens our home.

7 MR. SANFORD: David Scro.

8 MR. SCRO: My name is a David Scro. I
9 serve as President of the Long Island Builders
10 Institute, a 550 member builder trade
11 organization. Just to set the record straight,
12 our members live and work on Long Island and we
13 are concerned about the quality of our drinking
14 water. Also, we happen to have children. I
15 have two, and they are four and six. We are
16 concerned about preserving a sense of place on
17 Long Island for future generation to enjoy. As
18 builders and professionals, what we have
19 insisted on from the beginning of the process is
20 certainty and predicability, that rules and
21 regulations be based on scientific facts.
22 Working with the New York State Builders
23 Association, we have played an intricate part in
24 this historic compromise, which is the 1993 Pine
25 Barrens Protection Act.

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2 This Act struck a balance between
3 environmental preservation and economic growth.
4 The Act provided a framework to put this
5 balanced approach into a plan. Twelve months
6 after the passage of the 1993 Act, the Draft
7 Plan was to be prepared for public comment. It
8 is with a great sense of disappointment that the
9 Long Island Builders Institute must comment on
10 this Draft Plan.

11 The first 147 pages, over half The Plan, is
12 a overview of existing conditions. The Plan is
13 bound together with evolution and history of the
14 Pine Barrens, geological overview, soils
15 overview, list of natural and cultural resources
16 demographic data, research requirements,
17 descriptions of existing statutes, and where
18 policies are selected, they are rarely
19 scientifically justified based on scientific
20 facts. Such does not make a plan. A plan is a
21 map for action.

22 The Draft Plan offers little analytical
23 discussion of the significance of the
24 information presented. When we look at the
25 DGEIS, we cannot find the scientific basis for

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2 the recommendations that are in The Plan. More
3 often than not, this is left for future
4 research. We feel that the DGEIS is incomplete
5 and inadequate and does not comply with the
6 requirements of Article 8 of the Environmental
7 Conservation Law. As professionals that deal
8 with environmental rules and regulations on a
9 regular basis, the DGEIS presently stands in
10 significant contrast to acceptable practices.
11 Technical deficiencies, while abundant and
12 significant, are far less troubling than a
13 disregard for the balance which was the
14 underpinning of this effort since the beginning.

15 All economic goals of the Act have, at
16 several places in the text, been reduced to
17 policies to implement a one-sided preservation
18 goal. In other places they have been eliminated
19 entirely.

20 The attempt of the law, the encouragement
21 of appropriate patterns of development to
22 accommodate regional growth influences has been
23 lost. Indeed, we see new layers of governmental
24 regulations, requirements of in depth scenic
25 resources analysis based on subjective

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2 standards, and a review of several new agencies
3 imposed on development in the Compatible Growth
4 Area, which is where that was to have been
5 encouraged.

6 To restore the promise, we must reestablish
7 the balance. Under the TDR program, yield
8 calculations are grossly underestimated and will
9 not justly compensate landowners. I remember
10 one person saying there should be no windfalls,
11 no wipeouts under the existing provision. A
12 landowner whose property is on yield under the
13 preceding zoning for it, TDR's are used under
14 this plan it is wiped out. We should encourage
15 the utilization of TDR's. We must realize that
16 TDR's equal Core Preservation. It is a method
17 to ensure that we will have a Core Preservation
18 Area, and based on the success rates of the
19 TDR's in other states, why shouldn't we
20 encourage the TDR program.

21 Private property rights are at risk in the
22 Core Area to an extent unprecedented in American
23 land use regulations. Few planning schemes have
24 the forthright of prohibiting or redirecting
25 development to create a natural preserve.

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2 Regulatory takings are ripe, but they are only
3 briefly mentioned in The Plan. We are
4 disappointed in the Draft Plan because The Plan
5 does not adequately address the need for a
6 healthy, prosperous, human, and I underscore
7 "human," environment in the Central Pine
8 Barrens. The balance created under the law has
9 been lost, and, in this Draft Plan, we are at a
10 very crucial time. It is easier to tear
11 something apart than to build it back up. We
12 must come together to make this plan work.

13 By the close of the comment period on
14 October 14, the Long Island Builders Institute
15 will be submitting written detailed comments
16 with recommended changes. We have come too far,
17 we have worked too hard to have this plan fail.
18 There is too much at stake to let that happen.
19 Now is the time for all the parties involved to
20 come together to make this Draft Plan a fair and
21 balanced plan that we all can be proud of.
22 Thank you very much.

23 MR. SANFORD: Inge Schmeltzer.

24 MS. SCHMELTZER: My name is Inge
25 Schmeltzer. I happened to drop in at the

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2 Riverhead Town Board when Mr. Corwin was there,
3 and he was talking to members of the Town Board
4 about the problem with the U.S. Navy lands and
5 the departure of Grumman in 1995 and how this
6 plan would like to take over part of the land
7 inside the fence where the air landing strips
8 are and how terrible that the Town Board members
9 felt about that and they were very distressed
10 that this plan would try to take over power of
11 the landing strips inside the fence. One remark
12 was made by one Town Board member looking at
13 this plan, a very thick plan that was merely a
14 suggestion and had been made part of this plan,
15 which would become law, apparently, if this
16 legislation, or whenever it is, is approved,
17 what do they call it, the Pine Barrens
18 Management, or whatever. I don't know. Very
19 discouraging and distressing to even have to
20 think about this all the time, constantly being
21 subjected to dictatorship of one type or other.
22 I have been through it for many, many years. As
23 a matter of fact, eight years with the Town of
24 Brookhaven where I was trying to go through the
25 process, through Brookhaven, and now, you have

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2 the potential of this law that will be on top
3 all the Towns because all the Towns are in this
4 plan.

5 I listened for about three hours at the
6 Town of Brookhaven recently, maybe in May, so I
7 stayed in one spot where one man was trying to
8 explain to people who had lots of property and
9 it sounded like if you tried to apply to develop
10 some lands, you have to go through all the
11 processes in each Town, whatever Town your in.
12 Unfortunately, to be a landowner in whatever
13 Town you have land, you go through the DEC,
14 which takes a long time. You go through the
15 Town, which takes a long time. You go to the
16 Suffolk County Health Department, which takes a
17 long time. They send you back to the DEC. Back
18 and forth. Now, I'm almost through, where I am
19 again going to approach the Town of Brookhaven
20 with a subdivision plan, but the idea that this
21 committee, or whoever these members are that are
22 going to become the top dogs of decision making,
23 if this is approved, what happens is that all
24 the procedural steps that you go through with
25 the Town amount to nothing because the final

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2 answer as to whether you can do anything or not
3 with your subdivision will reside in the hands
4 of this committee, these members. They can turn
5 you down. This committee will usurp the power
6 of all the Towns, that the Towns, whatever they
7 say, will mean nothing, absolutely nothing. So
8 they will have no power of decision making.
9 This is only part of it. I happen to live on
10 River Road. There are at least 35 houses along
11 the south side of River Road, and they are all i
12 the Pine Barrens, but it really doesn't make
13 sense. Whoever drew up this plan originally, I
14 understand they were in Albany and they didn't
15 consider anything but looking at a map, but they
16 didn't consider what was on the lands at all. I
17 don't like it at all. I think it's terrible. I
18 hope it's not approved. I think it's overdone.
19 I think we are all being enslaved, and yet, we
20 have to pay the taxes all the time, and within
21 one year, otherwise they can take your land away
22 if you don't pay the tax. It's unfair and
23 unnecessary. There are enough regulations.
24 Thank you.

25 MR. SANFORD: Lori Content.

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2 MS. CONTENT: I am Lori Content. My
3 husband and I own land in the Pine Barrens. As
4 Core landowners, ask yourself, if the government
5 wants our land so badly for the benefit of
6 everyone on Long Island, especially to keep the
7 Eastend desirable, open, and green, why are they
8 trying so hard to avoid taking the land through
9 Eminent Domain? Possibly because the owners
10 would have their day in court and the judge
11 would determine fair market value. The
12 government does not want to do what amounts to a
13 taking this way. It would be too expensive to
14 be fair.

15 So, what we have now is a so-called
16 voluntary program which offers a few owners a
17 direct purchase before the money runs out. The
18 government has, for nine years, stopped the
19 development of our land upgrading from one acre
20 to five acre and offered you Pine Barrens
21 studies. We bought our land for full market
22 value in 1985, the meter is running for nine
23 years, no use of the money, and incurred all the
24 expenses of environmental impact studies and
25 engineering reports. We have been delayed at

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2 every opportunity. We have been told nothing
3 will ever be allowed on our land, even though it
4 is on a major highway. It is clear land. Our
5 land has been rendered useless. Our tax meters
6 keep running. Over 56,000 acres of landowners
7 have been put in the position of scrambling and
8 competing against each other to get on a
9 government purchase list. Currently funded with
10 only twenty million in County and State money.
11 The alternative is to take worthless TDR's and
12 see if they ever have any value. Always
13 continuing to pay taxes. Government seems
14 unaware that time is money. If the landowner
15 feels the price offered by the only buyer, our
16 government, is unfair, he is told take it or you
17 are off the list, and you have to wait years to
18 see if there is funding to get on a future
19 acquisition list. The landowners I have spoken
20 to feel coerced. Take it or leave it. We are
21 the only game in town.

22 The environmental goals are great. I
23 happen to agree with them. But the government
24 shouldn't forego property rights to achieve a
25 worthy goal. Please find a way to fund

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2 purchases at fair, not coerced prices,
3 especially the ones I have been reading in the
4 newspaper. The few should not be forced to pay
5 for benefits of the many. If you want to take
6 our land, take it the proper way, through
7 Eminent Domain or, at the very least, arrange
8 for bonding or funding that allows you to pay
9 fair market value, not fire sale prices to the
10 owners.

11 I'm in the Pine Barrens, and I can't get
12 out, not unless the proper attire has become a
13 barrel.

14 MR. SANFORD: Jack Finkenberg.

15 MR. FINKENBERG: My name is Jack Finkenberg
16 of the Great South Bay Audubon Society. I
17 commend the Commission on a job well done and
18 encourage the implementation of this plan. To
19 set the record straight, the gentleman made a
20 statement concerning Robert Moses, and I just
21 like to be historically correct here, the
22 gentleman stated that Robert Moses was a
23 reasonable person to deal with. I would like to
24 remind him that he used state troopers in order
25 to clear the farm and home lands where the

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2 Southern State Parkway is. You ought to go back
3 and read the record.

4 Now, to get on to the issue here. I would
5 like to answer the individual rights people
6 concerning their arguments that their property
7 is being taken. I remind them that there is
8 more to the Constitution than just the Fifth
9 Amendment. When the founding fathers wrote the
10 Constitution, they were very clear about
11 balancing the rights of the community with the
12 rights of individuals. I think that's the case
13 here, that, indeed, this plan should do that.
14 If, in fact, the TDR Plan is not equitable, that
15 just compensation should be given to people for
16 their property and that the State and the County
17 and individuals, like myself, who are benefiting
18 from this plan, should kick in and pay their
19 fair share for these properties. If, in fact,
20 the TDR program does not work.

21 The other thing I would like to make a
22 statement concerning is, the gentleman who made
23 a comment about building in Babylon, and it's
24 true that you can build anything in Babylon,
25 there was a beautiful field behind my house and

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2 they rezoned it and built an Italian restaurant
3 and Chinese restaurant, and now I have garbage
4 dumpers out my back window, and my property
5 value has plummeted, and I would like to know
6 where he was when they had the rezoning hearing,
7 and if he will recommend that the State should
8 reimburse me for my property. Thank you.

9 MR. SANFORD: Joan Wagner.

10 MS. WAGNER: Vice-President of the Ridge
11 Civic Association. The task of the Committee
12 has been a complicated and a difficult one. Yet
13 there is still work to be done, which is why
14 this is a draft. There are many concerns we
15 would like to share with you.

16 The Longwood Central School District in
17 Brookhaven is presently at full capacity in
18 regard to building space and students presently
19 enrolled. Your plan does not acknowledge how the
20 TDR's of residential properties will effect the
21 student enrollment. Since all the school
22 districts involved are in the same level of
23 capacity, there must be a guarantee of a
24 complete balance.

25 Your Compatible Growth Areas leave a lot to

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2 be desired. You don't address the impact of
3 higher density in regard to traffic, recreation,
4 water, population, sewage, schools, libraries,
5 police, or the funding for any of the above. We
6 are very concerned on how the Compatible Growth
7 Areas will be developed and how that will be
8 implemented.

9 What keeps coming to mind is, where do you
10 think the money is coming from? Should we buy
11 the land or transfer the land? You don't have a
12 value on a TDR yet. There should be more
13 specific data on the land owners so that some of
14 this might be resolved.

15 We in Ridge are taking your community
16 design idea quite seriously. There has been a
17 lot of networking to see our possibilities in
18 the future. Your plan must require developers
19 to carry out the specific type of development
20 according to the recommendations.

21 Our most important concern is the lack of
22 any impact on the North Shore Properties in your
23 plan. This would be to your advantage as some
24 of that property has gone to the original owner.
25 By not considering the impact, your end result

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2 will effect the task you set out to do and will
3 be negative to those who served on this
4 committee. Suffolk County is a whole county and
5 everything big should be considered together.
6 You have Brookhaven National Lab, which is a
7 superfund area across from North Shore
8 Properties and next to the Pine Barrens, we know
9 it all effects each other. You must include
10 North Shore. Thank you.

11 MR. SANFORD: Richard Brennan.

12 MR. BRENNAN: My name is Richard Brennan,
13 and I have 13 acres out in the Pine Barrens. We
14 have been going through this in my family three
15 times. Twice we were condemned, Valley Stream
16 and North Babylon. We were talking 20 acres in
17 each area. Now I have 13 acres at the Pine
18 Barrens. Now, to me, I could lose the money.
19 That doesn't matter, but as far as the people on
20 the Eastend, I think the tax structure of the
21 money being paid into the Pine Barrens every
22 year right now, that money will always have to
23 be. Now, whose going to pay it? The receiving
24 areas will have to pay that money to keep things
25 going. You know we can't forget about it and

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2 it's going to ruin the whole Eastend eventually.
3 It happened in Babylon. It happened in Valley
4 Stream. Same thing. Someone's got to pay for
5 it and it's going to be us. I have a half acre
6 in Babylon. I'm paying \$7,500, you want to pay
7 that, go ahead. That's all I got to say.

8 MR. SANFORD: Virginia Cameron.

9 MS. CAMERON: Good evening. My name is
10 Virginia Cameron, and I'm a member of the Dietz
11 family. As many of you may know, my property
12 was the one that was recently acquired. I have
13 been listening to the comments this evening. I
14 wasn't planning to speak myself, but I wanted to
15 get up here and say that I understand the issues
16 from both sides, that is from the environmental
17 side, because my family has been in favor of the
18 preservation of this land for over 70 years, and
19 from the side of the property owners. I
20 understand the frustration that you are feeling.
21 I just wanted to get up here to assure you that
22 it has been my experience that those involved in
23 the Pine Barrens issues have been very fair,
24 have been very much concerned, that they were
25 very supportive during the time we were trying

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2 to reach agreements with them. Even before
3 things were put into place and there was this
4 forum, we were trying to be heard and many
5 people did take the time to listen to what I had
6 to say. We are extremely pleased that our
7 property is part of the preservation program and
8 I just want to reassure the Pine Barrens owners
9 that there is hope and that this program will
10 work. Thank you.

11 MR. PROIOS: Are there any other people in
12 the audience that would like to address the
13 Commission.

14 SPEAKER: At this point, I justice want to
15 say thank you for hearing us all. I think you
16 people are of good character, and will try to
17 make this plan work for everybody. We hope that
18 your endeavors will be fruitful.

19 MR. PROIOS: Let me mention a couple of
20 points. One, obviously, the comment period will
21 remain open until October 14. The Plan will
22 then go through several works of revision. The
23 final plan coming out around January 13th, 14th,
24 around that time, it will then be submitted to
25 the three townships that have until March 15th

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2 to take final action on it. So there are still
3 a number of months to still make revisions.

4 I also want to mention that some of the
5 issues that you raise were valid and had been
6 brought up by other members working on The Plan
7 and we are still looking for ways to provide
8 those answers. In other cases, there were
9 answers to the problems. I think there is also
10 some misinformation out there. I would urge
11 those of you who have not been involved in the
12 process to please get involved. There are many,
13 many subcommittees, you don't have to serve on
14 all of them, just address one of the members who
15 is on the committee to try to get you the
16 information you want, whether it's on property
17 taxes, on the programs the County or State make
18 available for land acquisition, whatever the
19 issue is, try to contact somebody involved who
20 will try to get you the answer. If we don't
21 have the answer, we will tell you that as well.
22 I think we can work together and make this a
23 better plan. I urge you all to please get
24 involved.
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That will close the hearing, but the
comment period will remain open until October
14th.

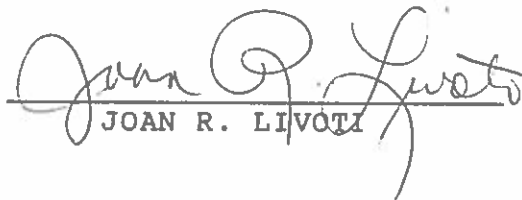
(Time noted: 10:00 P.M.)

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I, JOAN R. LIVOTI, a Notary Public in and for
the State of New York, do hereby certify:

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

IN WITNESS WHEREOF, I have hereunto set my hand
this 4th day of October, 1994.


JOAN R. LIVOTI