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CENTRAL PINE BARRENS
JOINT PLANNING AND POLICY COMMISSION

In the Matter of the Application of
SETH MORGAN

For a core preservation area hardship
exemption.

HEARING in the above-captioned matter, held
on the 23rd day of April, 1997 at 5:15 p.m., at
Suffolk County Pine Barrens Trails Information Center,
Manorville, New York, pursuant to a Notice of Public
Hearing, and before Florence V. Wiles, a Notary Public
of the State of New York.

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

ROBERT J. GAFFNEY, Chairman
Suffolk County Executive
BY: GEORGE PROIOS

FELIX J. GRUCCI, JR., Vice Chairman
Supervisor, Town of Brookhaven
BY: JOHN GIRANDOLA

ANDREW P. FRELENG, AICP
Supervisor, Town of Southampton

JAMES R. STARK, Member
Supervisor, Town of Riverhead
BY: BRENDA A. FILMANSKI, Planner

RAY E. COWEN, P.E., Member
DEC Regional Director
Representing George Pataki, Governor

DONNA PLUNKETT, Staff to Commission

DORIS E. ROTH, ESQ.
Attorney for Commission

ROY DRAGOTTA

1 (THE HEARING WAS CALLED TO ORDER BY THE
2 CHAIRMAN, GEORGE PROIOS, AT 5:15 p.m.)

3 MR. PROIOS: I'd like to call a public hearing to
4 order. My name is George Proios. I'm
5 here on behalf of Robert Gaffney, County
6 Executive, who is Chairman of the
7 Commission, and I will let the members of
8 the Commission introduce themselves and
9 tell you who they represent.

10 MR. GIRANDOLA: John Girandola.

11 MR. MORGAN: How do you spell that?

12 MR. GIRANDOLA: G-I-R-A-N-D-O-L-A, representing Supervisor
13 Felix Grucci.

14 MS. PLUNKETT: Mr. Morgan, you will receive a copy.

15 MR. MORGAN: In case I have some questions to address,
16 in particular, I'd like to know their
17 names.

18 MR. FRELENG: Andy Freleng, Supervisor, Town of
19 Southampton. F-R-E-L-E-N-G.

20 MS. FILMANSKI: Brenda Filmanski, representing James R.
21 Stark, Supervisor, Town of Riverhead.

22 MR. PROIOS: George Proios, representing Suffolk County
23 Executive, Robert Gaffney.

24 Mr. COWEN: Ray Cowen, representing Governor Pataki.

25 MS. ROTH: Doris Roth, Counsel to the Commission.

1 MR. MORGAN: Ross?

2 MS. ROTH: R-O-T-H.

3 MR. DRAGOTTA: Roy Dragotta.

4 MR. MORGAN: Can you spell that?

5 MR. DRAGOTTA: I'm non-voting.

6 MR. MORGAN: Can you take questions?

7 MR. DRAGOTTA: D-R-A-G-O-T-T-A.

8 MR. MORGAN: We have one attorney present is there more

9 than one?

10 MS. ROTH: No.

11 MR. PROIOS: For the record let me read the public

12 notice that appear to you pursuant to the

13 Environmental Conservation Law Article

14 57-0121(10). "Notice is hereby given that a

15 public hearing will be held by the Central Pine

16 Barrens Joint Planning and Policy Commission on

17 April 23, 1997, on the matter of an application

18 for core preservation area hardship

19 exemption. The subject of the hearing is:

20 Applicant: Seth Morgan. Applicant requests

21 a hardship exemption to build one, single family

22 residence and associated infrastructure on each

23 of the two lots containing approximately seven

24 acres each in an area zoned for one unit per

25 five acres. Project location: North of North

1 Street, south of Peconic River County Park, just
2 west of Terry Road, Manorville, Town of
3 Brookhaven." I assume Mr. Morgan is here, so
4 if you or anyone on your behalf wants to make a
5 presentation to the Commission.

6 MR. MORGAN: I want to clarify a couple of things. I
7 have with me a petition signed by 20 some people
8 in the area including on both sides of
9 the properties mentioned. The county -- My
10 eyes are bad why don't you read that for
11 me.

12 MR. PROIOS: Please identify yourself.

13 MR. PREISER: Joseph Preiser. "I the undersigned being
14 a resident or property owner in Manorville State
15 of New York, do hereby declare and affirm that I
16 have no objections for approval on each of two
17 parcels located and affronted on the north side
18 of the North Street, Parcel A, seven acres
19 border on the CR 111 west side; and Parcel B,
20 eight acres plus borders on the CR 111 on the
21 east side."

22 MR. MORGAN: And that's submitted by Seth Morgan, DBA
23 Morgan Farms. Court appointed administrator
24 from the estate for R.E. Morgan, one of my
25 brothers, he's deceased and part owner for part

1 A and B respectively. I'll submit these to you
2 here. I didn't make a copy of these yet. Do
3 you have a machine that can make a copy of them
4 or you can?

5 MS. PLUNKETT: You can send it to me in the mail.

6 MR. MORGAN: Do you want the top copy?

7 MS. PLUNKETT: Whatever you would like to do.

8 MR. MORGAN: Now, I'm here for a hardship permission to
9 build two houses on the property for a simple
10 reason. If I want to sell any of those
11 properties, I cannot sell them without a
12 building permit, and I'd like to make very
13 clear, while I'm here Madam Attorney, that
14 should not be construed in any way, shape, or
15 form that I am waiving any of my constitutional
16 or civil rights by representing myself at this
17 meeting. Okay?

18 MS. ROTH: Okay, fine.

19 MR. MORGAN: I have been a resident of this hamlet of
20 Manorville for 50 years, before Grumman was
21 here, when the steam locomotives ran on this
22 railroad and stopped and were on time. Now, you
23 can't even get on a train out here. And
24 I have been a farmer, owner, and property owner
25 for many years. I also worked for the County of

1 Suffolk for a period of almost 10 years
2 I do not get a pension. My sole income is
3 \$219 month. That's my gross income. I get that
4 from social security. You hear that again \$219
5 a month for everything I have to do. Years ago
6 when I came to Suffolk County I said to myself,
7 I don't really want to live my later years on
8 social security. Incidentally, I'm what they
9 call a notch baby. Those are the people when
10 social security came in in the 1930s, if you
11 were born at a period of time in the 1920s prior
12 to the Act, when you were younger, the monies
13 that you made while you were younger didn't have
14 the same weight, do not have the same weight
15 today as they did at the time you were
16 working. It's all been changed around. The net
17 impact of that as I presume it to be, as I know
18 it to be, is that if you made more money when
19 you were younger, and if, when you got older and
20 became ill and infirm to some extent, then you
21 would have your social security to rely on, but
22 the impact of the more money you made when you
23 were younger would not count as less. Now, it's
24 the last so many years of your working years
25 that determines what you get. So, that's why I

1 get \$219 a month.

2 I've been medically what's the word I'm
3 looking for? -- Medically declared since
4 January of 1982 as handicapped. I receive
5 nothing from any other agency of government
6 regarding that. As I said before, \$219 per
7 month. That's what I have been reduced to in my
8 age now. I also formally had another farm up on
9 the east end of town on Hot Water Street
10 consisting of 70 acres, which I maintained and
11 supported and operated for all these years until
12 I got to the point where, through taxation and
13 upzoning I was squeezed out of my property.
14 Could no longer afford to hold onto, and I
15 couldn't sell it because of the moratoriums that
16 were in place at that time that also applies to
17 these properties over here on which I'm making
18 application. Now, two years of state
19 moratoriums, you can't build,
20 moratorium being a suspension of one's
21 constitutional rights. When the state was
22 finished with it, the county stepped in for two
23 or more years, when they were finished with it
24 the Town of Brookhaven stepped in for two more
25 years. No building permits, unable to use the

1 property, not knowing which way to go. I've
2 spoken to several judges over the years that I'm
3 familiar with and their answer was we can see
4 what's going on, but they haven't done it
5 yet. We've -- We're going to be dead before
6 it's done and it's not going to be over either.
7 So this is my dilemma. Where do I go from here?
8 I have to go before this body. I don't like
9 being here, and I think it's entirely
10 unnecessary. I've watched the development since
11 before Grumman. It came here, I was here, I've
12 watched that, and I've the seen the subsequent
13 acquisition of these properties that we're
14 talking about here. Each of them lost each
15 parcel. Lost acreage, a total of 10 acres
16 between the two. In the Peconic River taking,
17 in the 1960s, Peconic River took the frontage
18 there. Then there was another taking,
19 subsequent to that for CR 111 which this place
20 here sits on.

21 MR. PROIOS: All of the information in the record, the
22 purpose of it is to provide information to
23 determine your individual case, so most of what
24 you told us doesn't relate to this
25 hearing.

1 MR. MORGAN: I don't believe that at all.

2 MR. PROIOS: Our decision as to whether or not you get
3 a hardship exemption, I guess, as to whether you
4 fall under the guidelines in the law that spells
5 out how we are to grant or not grant approvals
6 to you so you have a specific project in mind,
7 the two homes you need to tell us
8 about.

9 MR. MORGAN: I'd like to finish up, if I might, so if
10 it's all right if I'd like to say what I have to
11 say and you will know where I'm coming from.
12 Before it's all over you will to make your
13 judgement. I don't know if you call an economic
14 problem a hardship, suitable for hardship, or if
15 somebody were to have a small house and came in
16 and out to put an addition on it, were not
17 permitted to and wound up having three, four
18 children. Me, mine is economic, and in order
19 for me to maintain that property which I intend
20 to keep in the general mode it's in, that is a
21 farm. It's always been a farm. For 50 years
22 I've been there for 50 or more years. I've here
23 since '32, it was a farm before that the
24 properties go back, my house where I'm living
25 today, I don't live in a new house, my house was

1 standing when Thomas Jefferson was president,
2 when John Adams was alive, when Napoleon hadn't
3 yet been defeated at the Battle of Water Loo.
4 That goes back a long time and I'm pointing that
5 out because at times I've heard it alluded to
6 in the newspaper, "Oh, those are just rich
7 people out there that have big properties, they
8 got plenty of money," I know that's not the
9 case with a lot of people. Let me proceed and
10 get down to what you're looking for.

11 Mostly, I consider that from an economic
12 point of view, I have a case for a hardship, not
13 uneasy to understand. And I can see where the
14 government, actions of government in the 50
15 years since I have been here between
16 condemnations, acquisitions, government getting
17 bigger and bigger, and bigger, that we're
18 heading into a very serious condition, in this
19 county. We won't have any free people
20 left. I'm one of the last ones of them in my
21 generation. I'm a veteran of World War II, in,
22 starting in 1982, January, I've had a series of
23 six major heart attacks, for which I was
24 hospitalized in 1993; December, I had a stroke,
25 which, thank God, I was able to get over, and

1 also four months later I had a torn intestine,
2 lost a foot of my large intestines, a major
3 operation. I almost died from that. I'm just
4 out of the hospital recently after open heart
5 surgery. For the record now, I might say that
6 I'm glad to be alive. I had a wonderful doctor
7 and magnificent nurses, and without them, I
8 wouldn't be here today, but I had a valve
9 replacement in my heart, three-way bypass, as
10 they call it, coratid artery. That's this upper
11 scar here, and one more thing, that's important,
12 and oh, and listen a half-hour operation,
13 unprecedented, was going into the operation the
14 head surgeon at the hospital where I went, told
15 me he did not want to go over six hours and just
16 before the operation, I told him just as I'm
17 getting ready to go in I said, look, I knew he
18 was the right man for me. I said, "I know
19 you're going to do the best you can, which is
20 all I can expect, 'cause I know I'm not in good
21 condition," and I says, "but don't be afraid,"
22 'cause it's a teaching hospital too, "don't be
23 afraid to push ahead to new limits of medical
24 care, if you think that I can take it. If you
25 think I'm able to survive." I said, "Don't be

1 afraid to push that practice." That's why I
2 wound up going from an expectation of six hours
3 to 11 and-a-half hours in that operation. I'm
4 still recovering from it. My leg isn't yet
5 healed up. I have diabetes. The application is
6 here, see I can utilize the property, along it's
7 current lines, contingent with farming practices
8 as I understand them to be. Under the state,
9 the upper head waters, the state passed that a
10 few years back. You would know wildlife and
11 recreation, you were part it, where my general
12 understanding that that's good for horse farms,
13 good for nursery, good for agriculture, and that
14 sort of thing, so from the standpoint of the lot
15 sizes, I don't see any problem there at all
16 from the standpoint of conformity of existent
17 adjoining state and local level, I don't see any
18 problem there at all; from the stand point of
19 the parcels being located on frontage on
20 North Street, both of these parcels, incidently
21 used to go back to the middle of the Peconic
22 River, when I first came out here those were the
23 boundaries, we lost 10 acres then another eight
24 acres later for CR 111, and that was half the
25 property right there and the compensation I can

1 tell you, well, I don't want to pull out an
2 adjective here because I know it wouldn't be
3 appropriate, but the compensation was not a just
4 compensation. Oh, I indicated at the time on
5 the legal papers, not a just compensation, so
6 what do we have to do to continue to go on?
7 I don't know how much time I have left to be
8 honest with you, but all I know I will never
9 give up my constitutional rights, not till my
10 dying day will I give up my constitutional or
11 civil rights. I want you to understand that,
12 'cause if there's one thing above all that is
13 most important to me that is, that spells it
14 all out. There, I've never had to compromise
15 myself; never had to do it, never will. So I
16 think I'm a good person, and I think I'm
17 entitled to what good Americans are entitled to;
18 plus, I have the experience. I can look behind
19 me, I know what's happened. In 50 years, I can
20 recite it verbatim. I know how its affected my
21 life and the lives of the other people. That I
22 will close on. I don't think I have anything
23 else to add. I'll close it there. I hope I
24 didn't leave anything out.

25 MS. PLUNKETT: Speak about the survey.

1 MR. MORGAN: Oh, yeah, that's important. The original
2 County surveys are not correct. Parcel on the
3 right side.

4 MR. COWEN: On the tax map?

5 MR. MORGAN: Right that is not correct. The parcel on
6 the easterly side of the CR 111 are not
7 accurate. My description of them being eight
8 plus acres on the right, easterly side and seven
9 plus on the westerly side are based on the
10 survey of Harold Transen, a certified surveyor,
11 who has his office in Wading River, now I called
12 him several times over the last three weeks,
13 trying to get a copy or to order a copy, three
14 copies, I wanted of that survey, and he never
15 called me back. And I called again within the
16 last week, three times and last Friday made a
17 personal visit to his office in Wading River
18 to see if my maps were ready. I left word on
19 his message machine, that I would be in on
20 Friday to pick them up, that was last
21 Friday. Nobody at the office, no phone call,
22 and he had access 'cause I gave him two phone
23 numbers to call, one being a number that had a
24 recorder on it. So there's why he didn't call.
25 I still don't know, as a matter of fact, I was

1 going to try to go over there today, but I do
2 not have the maps 'cause I have ordered them and
3 don't see why I shouldn't have them.

4 MS. FILMANSKI: Mr. Morgan, are you certain that
5 Mr. Transen is still a practicing surveyor?

6 Mr. MORGAN? Yes. I went to his old office last
7 Friday, downtown Wading River, he used to be
8 there. Somebody had told me a few years back
9 that he had moved, and I had the occasion to
10 call him sometime after that and I said, "Oh, I
11 hear you moved." He said, "No, I'm still in
12 Wading River, but he didn't tell me he moved
13 from where he was. He must have been there
14 for a while. He's up just north of Judge's
15 restaurant, or whatever you call it there, two
16 or three doors off the corner, it's the one who
17 did the survey that I have ordered on the past
18 other surveys from him, but what is important
19 about that is the original survey that came
20 through CR 111 did not include a parcel of
21 property which was later taken as a condemnation
22 from a man by the name of, Osmond, Roy Osmond,
23 is alive today. His father is recently
24 deceased. Roy's in his 60s and I went out to
25 see him last Friday. I went to see him, you

1 were with me, I said, Roy, do you remember what
2 happened about the taking of your property?" He
3 says, "Yeah, that was a subsequent
4 condemnation." He had the one in the back from
5 the county park. You had the one following a
6 few years later, CR 111, and he said I had to
7 take the part of my frontage for a 50 foot
8 right-of-way. Which at that time was moved
9 because they couldn't block us off. They were
10 for bidding to block us off from access to North
11 Street. The survey line shows very clearly that
12 the line of CR 111 on the boundary cut across
13 and cut the frontage access off that parcel
14 They took it from the Osmond parcel. Next
15 door, 50 foot and Roy Osmond today clearly knows
16 why it was taken. It was not because I had gone
17 to the CR 111 people and tried to get access
18 when they were talking about that condemnation
19 from each side onto CR 111. They would not give
20 it. I told them, you're going to live to rue
21 the day that you made that decision, because I
22 can see a time in the future when you wish you
23 had it, so I'm just explaining because it does
24 not show on that map the accuracy. Mine is
25 done -- Well, I know that public surveyors did

1 these too, but they got it wrong.

2 MS. ROTH: Can you explain, once again, I think you
3 did in the beginning, but your relationship with
4 the two individuals who are indicated on those
5 tax bills, James L. Morgan, and Raymond E.
6 Morgan.

7 MR. MORGAN: Ray was my younger brother. He
8 died in 1985, and at the time, as a matter of
9 fact, he was interested in getting a house on
10 that property.

11 MS. ROTH: Are you administrator of this estate?

12 Mr. MORGAN: I am the court appointed administrator.

13 MS. ROTH: What about the other property?

14 Mr. MORGAN: The other property I have a financial
15 interest in it, which does not show on the
16 survey. He is not a resident of New York State,
17 has not been for a number of years.

18 MS. ROTH: You are part owner. That is listed to
19 James Morgan?

20 MR. MORGAN: Right. And I have been directed by him to
21 act for him.

22 MS. ROTH: Are you and Mr. Morgan the only two owners
23 of that property?

24 MR. MORGAN: That's right.

25 MS. ROTH: The only two?

1 MR. MORGAN: Yes.

2 MR. COWEN: You have that in writing?

3 MR. MORGAN: I'll -- Let me put it this way, my brother
4 is a physicist. He's worked on the red stones,
5 moon shots, he's a developer of the best body
6 armor in the world, and he keeps a low
7 profile. He also represents the United States
8 Government from the Office of the President,
9 regardless of who is the president of the United
10 States.

11 MS. ROTH: Could you get us something from both the
12 court showing you're a court appointed
13 administrator of the estate, and could you get a
14 letter from your brother?

15 MR. MORGAN: Yes. I can have that before the
16 weekend. I did have a copy of that, as I matter
17 of fact, the attorney who handled that, by the
18 way, Abelson of Port Jefferson Station, for
19 anyone who might know him. He knows me for
20 many, years, and I'm sure that he can vouch for
21 me -- But he knows all about the court papers
22 'cause he's the attorney who I had at that
23 time. That handled that. He knows all about
24 that.

25 MR. COWEN: We need you to produce the written

1 evidence that you are, as a matter of fact, the
2 court appointed administrator, that you do have
3 authorization by your brother.

4 MR. MORGAN: Okay, I'll get it. I don't know where my
5 brother sometimes he's in the country, sometimes
6 he's out. As I said before, he has to keep a
7 low profile, I can't tell you what he works for;
8 he's never told me. I know that he acts for
9 the president of the United States of
10 America. Regardless of who is president;
11 regardless of what happens. He has been doing
12 that at least since that administration of
13 Lyndon Johnson.

14 MR. COWEN: So you understand we're unable to process
15 this information without that?

16 MR. MORGAN: Maybe tomorrow I can get it down to
17 you.

18 MS. PLUNKETT: You can put it in the mail.

19 MR. MORGAN: I'd rather get it to you real quick.

20 MS. PLUNKETT: You can bring it in.

21 MR. GIRANDOLA: It's parcel A that's on the Pine Trail
22 Nature Preserve it used to be part, I guess,
23 County Road 111, my question is one, does he
24 have access to that road, which I doubt, all
25 right, and the other one he indicated that he

1 had some alternative right-of-way that he had
2 access to. He's trying to get Transen's survey,
3 we need that certified by Transen.

4 Mr. MORGAN: Certainly, I understand that.

5 MR. GIRANDOLA: What are the two parcels currently being
6 used for?

7 MR. MORGAN: Agriculture.

8 MR. GIRANDOLA: Your application is to do what?

9 MR. MORGAN: To continue in that general use,
10 agriculture, which encompass a lot of things,
11 fruit trees, on that.

12 MR. GIRANDOLA: If it's agriculture use now, there's
13 nothing saying that you can't use it. I don't
14 know why you're here.

15 MR. MORGAN: I'm here because of the house. I have to
16 get a house in there. I have to have somebody
17 in there.

18 MR. GIRANDOLA: So your application is to build a single
19 family house on each of the two parcels?

20 MR. MORGAN: Right. Which conform, as I understand, to
21 the requirements.

22 MR. GIRANDOLA: You're going to sell these houses?

23 MR. MORGAN: Who knows what the future holds. If I had
24 IBM stock, I could sell it.

25 MR. GIRANDOLA: My question to you: You want to build the

1 houses, you're going to keep them in your own
2 ownership right now, correct; or you may sell
3 them in the future?

4 MR. MORGAN: What I do in the future depends on my
5 health. I don't know no doctor can tell me what
6 the future holds for me. All I can go by is the
7 past. But one thing I do continue, I won't get
8 any better.

9 MR. GIRANDOLA: Fine. Do we have a letter from the DEC as
10 far as conformance with the SWR?

11 MS. PLUNKETT: No. This is why we are getting the
12 survey, because Mr. Morgan has stated there are
13 fresh water wetlands on the site. Actually,
14 part of the river. It's not a subset wetland
15 area. It's a tributary of the river. The two
16 parcels are probably covering the County Road
17 111 area and the survey apparently stated or
18 shows boundary of these more clearly. At that
19 time we would, pursuant to the seeker, I
20 believe, this action is unlisted a type 2,
21 actually because of the Suffolk family
22 revisions. I recall, so we would
23 refer to them if Mr. Morgan wants to get a
24 permit to the Town for fresh water and to the
25 DEC.

1 MR. GIRONDOLA: This isn't recreation or isn't
2 scenic?

3 MS. PLUNKETT: That's my understanding, four acre minimum
4 space, so it does conform.

5 MR. GIRONDOLA: We're still missing documentation.

6 MS. PLUNKETT: We have been corresponding for three
7 weeks. The hearing was already scheduled yes,
8 without the survey --

9 MR. GIRONDOLA: So we would need Mr. Morgan's approval.
10 We are under some sort of time limit.

11 MS. ROTH: Our time runs out from receipt of the
12 application. We have a stamp on these March 11.
13 March, April, May, would be May 11, would be
14 the discussion delay.

15 MR. GIRANDOLA: We need something from Mr. Morgan
16 asking for an extension and at that point to an
17 unknown date.

18 Mr. MORGAN: I'm not looking for an extension. I
19 want as fast action as I can get. Thanks to my
20 good name, all my life and being a sober and
21 upstanding citizen, I was able to borrow from
22 the banks more than I wanted to borrow, and I'm
23 in hock to the banks, and I have to clear
24 that up 'cause I've never -- One of the banks
25 out here that I do business with is, like, the

1 fourth successor of the original bank that was
2 from the Moriches which originally was South Bay
3 Bank. I'm still here. My bank accounts are
4 still in tact and I owe the money, I know and
5 I've got to pay it back, and that's the name of
6 that game. I don't borrow money unless I can
7 pay it back.

8 MS. ROTH: In connection with this extension, if the
9 commission does not have it, we would be forced
10 to deny the application under the constraint of
11 the time limit in the statute, so that it's not
12 that we're trying to force an extension
13 from you, but you have to understand that if the
14 commission doesn't have what it needs to make
15 the decision, it doesn't make a decision at all

16 MS. PLUNKETT: And the next meeting is May 14.

17 MR. MORGAN: For the record, I'll have what you need
18 before that date. Probably before.

19 MS. ROTH: But the commission is not meeting before
20 that date so it couldn't consider that material
21 as and address it before May 14.

22 MR. MORGAN: If you want me to swear and affirm to what
23 I have stated here, you could swear me in, right
24 now; am I not correct?

25 MS. ROTH: The authenticity of your statements is not

1 at issue. What's required is certain
2 documentation, and that's necessary. We have a
3 tax map. The Commission needs to see something,
4 and you say something exists, a certified
5 survey, and you --

6 MR. MORGAN: You shall have it and each and every one
7 of you have my permission to call
8 Mr. Transen.

9 MS. ROTH: Mr. Morgan, it's not the Commission's job
10 to make the phone calls. It's our job to
11 justify an approval in your case and part of
12 that is presenting documentation to support why
13 your application should be approved. That would
14 be, in this case, a certified survey indicating
15 where the parcel is, and the other two documents
16 that will be the paperwork for the estate
17 administrator and the ownership of the parcel
18 that can then be reviewed by the Commission
19 during it's next meeting, May 14, the Commission
20 is not meeting before that. If you don't ask
21 for an extension then I will have to deny it
22 because there's no meeting between now and
23 then.

24 AUDIENCE MEMBER: Just ask for the extension now.

25 MS. ROTH: He has to ask him to do it.

1 MR. GIRANDOLA: It's in your best interest.

2 Mr. MORGAN. All right. If that's it, I'll ask
3 for an extension until such time as I get these
4 papers in.

5 MS. PLUNKETT: I would think the June meeting would be --

6 MS. ROTH: June 4th.

7 MS. PLUNKETT: You could have it until the June 4th and
8 then I think by the June --

9 MR. MORGAN: You can have it before that. There's
10 another consideration here which I know is not
11 your responsibility, it's mine, which are taxes,
12 and I'm behind on several taxes to the tune of
13 probably \$20,000, so I don't want to be extended
14 to the point where I lose my property and the
15 county gets it or some county agency get it. I
16 don't do business that way, never have, but I
17 cannot keep going back to the banks and tell
18 them that my gross income is \$219 a month. I
19 know what their answer would be even if I said
20 well I need it to pay my taxes, and you know, in
21 some point in time things will get rosier. They
22 deal in facts and numbers not in hope.

23 MR. PROIOS: Did you need anything from this in terms
24 of Mr. Morgan?

25 MS. ROTH: The Commission is meeting in June, on June

1 4th we need a date.

2 MS. PLUNKETT: If you could give us the extension
3 until June 4th, then you would have to have the
4 materials to us a few days before then, and then
5 the June 4th meeting. If you think you can have
6 them by the May 14 meeting, by May 12, we will
7 have it on May 14, but you're the one that needs
8 to get the papers.

9 MR. MORGAN: I'll have them by May 14. Okay.

10 MS. ROTH: If you don't have them by May 14 you'll
11 have to give us another extension until June 4th
12 for your own benefit. Mr. Morgan, what I would
13 advise you to do at the upcoming meeting, when
14 this will be considered, to take a look at the
15 statute. I think Donna, I think Donna, we can
16 give him it and address those criteria.
17 The commission has certain criteria that is
18 obliged to follow, and you should address those
19 criteria, I can't; so you can give the
20 commission reasons.

21 MR. MORGAN: Everybody who's alive can take that word
22 -- what was that word again? -- Hardship, and
23 everybody in this room has a different way of
24 saying what their interpretation is.

25 MS. ROTH: State legislature has --

1 MS. PLUNKETT: Mr. Morgan, if you remember when your
2 nephew came with you, and I gave you a copy of
3 the statute, and it's about a page and a half,
4 and I handed it to you?

5 MR. MORGAN: I did see that there were underlined,
6 which I thought when I reviewed them, I said,
7 well, I don't have a problem with any of
8 these.

9 MR. GIRANDOLA: You have to prove it to us.

10 MR. COWEN: You've got to prove it.

11 MS. PLUNKETT: You need to tell us why you think your
12 property meets those three highlighted -- The
13 ones referring to the granting of a
14 permit. "Will not be materially detrimental or
15 injurious to other property or improvements in
16 the area in which the subject property is
17 located or increase the danger of fire, endanger
18 public safety or result in substantial
19 impairment of the resources of the core
20 preservation area.

21 The waiver will not be inconsistent with
22 the purposes or objectives or the general spirit
23 and intent in this article; or

24 The waiver is the minimum relief necessary
25 to relieve the extraordinary hardship, which may

1 include the granting of a residential
2 development growth area may be transferred or
3 clustered to those lands to satisfy the
4 compelling public need."

5 What is in the area surrounding the
6 property that you do keep it farming; it has
7 been farmed, and you will continue to keep it
8 farmed and issues like that, and how they relate
9 to these particular properties. We don't use
10 the literal term in the definition discussion to
11 what constitutes hardship. Hardship is defined
12 for us in detail in the state law; so we need to
13 look at that criteria and say that is
14 it.

15 MR. MORGAN: And the state law is created by men and
16 women, who, if they were elected to public
17 office we would expect that they respect the
18 rights and the constitution and the civil rights
19 of every American. Isn't that so?

20 MR. PROIOS: We'll entertain a motion to extend on the
21 basis of applicant asking for an extension and
22 the discussion date to June 4th, and then, if
23 you have the material before hand we can address
24 it.

25 Mr. MORGAN: I'm getting until June 4th, but I will

1 have the material then we can discuss it on May
2 14th.

3 MR. PROIOS: Can I have a motion?

4 MR. FRELENG: So moved.

5 MR. PROIOS" Motion carries to extend the public
6 hearing to June 4th. I will continue the
7 hearing to June 3rd, which gives you the
8 opportunity to appear at the next meeting too.

9 MS. ROTH: If you continue the hearing until
10 June 4th --

11 MR. MORGAN: One other point: These signatures are
12 representative of people living up and down
13 North Street. Most of them have been out here
14 for many years since the '30s, some before
15 that. I got one guy that's 80 years old. I
16 think he's been out here all that time, but my
17 point is I have all of the people adjoining
18 these parcels, I have their signatures of them.
19 They understand that I've read the petition,
20 what it calls for and they have no objection, as
21 I have said. They have no objection.

22 MR. PROIOS: Could you indicate when you get this, on
23 the survey, where there are homes.

24 MS. PLUNKETT: Staff will confirm that for you.

25 MR. MORGAN: There's a lot of houses in there.

1 MS. PLUNKETT: I think the tax map you marked it up for
2 us.

3 MR. MORGAN: The other thing there are on the western
4 parcel, some foundations of other buildings that
5 were there, a barn for, example, was there. The
6 fieldstones are still there.

7 MS. PLUNKETT: On your western parcel?

8 Mr. MORGAN: Yes.

9 MS. PLUNKETT: Does the survey show that?

10 MR MORGAN: I don't know, but I had three on the other
11 survey that do show on a survey from the 1950s
12 that's another parcel, but that definitely does
13 show three buildings for which I still pay taxes
14 on it. Even though they have come down from old
15 age.

16 MS. PLUNKETT: The property is currently being farmed
17 right now?

18 MR. MORGAN: That's correct.

19 MS. PLUNKETT: What is the yield? What are you growing
20 there?

21 MR. MORGAN: As a matter of fact, I just got 3,000
22 trees to go in, so my property I've also been
23 properties that were never destroyed because I'm
24 a college graduate in agriculture, and other
25 things, so I know how to maintain a piece of

1 property so it looks the same all the time,
2 trees come up in my lifetime how many trees have
3 grown up a foot a year, roughly, some longer.
4 I've been there 50 years, some of these trees
5 have grown 50 feet, everything, trees,
6 everything has a lifespan, trees have a lifespan
7 and all I want to do is my remaining years
8 remain as active as I can, and keep my
9 interests, my health, if possible. So, there it
10 is. Thank you very much, gentleman, ladies.

11 MS. GIRARDI: My name is Gladys Girardi --

12 MR. PROIOS: I was going to ask if there was any other
13 comments.

14 MS. GIRARDI: My name is Gladys Girardi. It seems to
15 me that this gentleman needs some kind of
16 help. Is there a organization that the state
17 has or the town that man, that can help this man
18 get his paperwork together?

19 MR. COWEN: It's called Donna. Donna is our
20 staff.

21 MS. PLUNKETT: If you want me to call Harold Transen?

22 MS. GIRARDI: The man seems to need to get all this
23 paperwork before May or June 4th, he's got a guy
24 that doesn't return his calls.

25 MR. GIRANDOLA: That's his surveyor.

1 MS. PLUNKETT: Does your attorney have a copy of his
2 survey in his file?

3 Mr. MORGAN: I could contact him.

4 MR. GIRANDOLA: Why don't you call Mr. Abelson?

5 MR. COWEN: If he's the attorney for the estate he
6 should be helping you with this 'cause he has a
7 responsibility under that.

8 Mr. MORGAN: He is the attorney at the time of my being
9 appointed, with the approval to my two brothers'
10 who are part of the estate, who handled the
11 estate paperwork on the legal formalities.

12 MR. COWEN: He was the attorney to the estate?

13 Mr. MORGAN: He knows me for many years.

14 MR. COWEN: He should be representing you.

15 Mr. MORGAN: If I told him my income was \$219 a month,
16 I know what response I would get.

17 MR. PROIOS: Is there any one else who wishes to
18 address the Commission on this matter? If not
19 I'll recess the hearing until such time as you
20 supply us with information our next regularly
21 scheduled meeting.

22 MR. COWEN: It's May 14, and June 4th.

23 MR. PROIOS: Meeting's recessed. Thank you.

24 (Time ended: 5:45 p.m.)

25

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

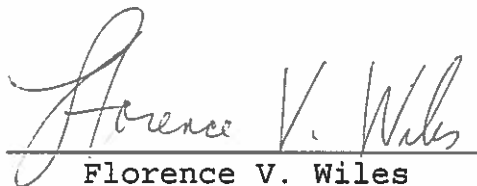
I, Florence V. Wiles, Notary Public for the
State of New York, do hereby certify:

THAT the within transcript is a true record of
the proceedings hereinbefore set forth.

I further certify that I am not related by
blood or marriage, to any of the parties to this action; and

THAT I am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 23rd day of April, 1997.


Florence V. Wiles