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2 -----
3 INDEPENDENT GROUP HOME LIVING CORE PRESERVATION AREA
4 HARDSHIP WAIVER APPLICATION
5
6 APPLICANT'S REPRESENTATIVE: Brian T. Egan
7 340 Smith Road, Shirley, New York 11738
8 ----- x
9
10 May 17, 2017
11 3:39 p.m.
12
13 PRESENT:
14 CARRIE MEEK GALLAGHER, Chairwoman
15 SEAN WALTER, Member
16 KYLE COLLINS, Member
17 EDWARD P. ROMAINE, Member
18 BRENDA PRUSINOWSKI, Member
19 MARTY SHEA, Member
20 ANDREW FRELENG, Chief Planner
21 JOHN MILAZZO, Commission Staff
22 DAN McCORMICK, Representative
23 JOHN PAVACIC, Commission Staff
24 JULIE HARGRAVE, Commission Staff
25 *****

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1 PUBLIC HEARING
2 MS. HARGRAVE: This is the public hearing
3 for Independent Group Home Living for hardship
4 waiver application. This is a site in
5 Manorville on the north side of the Long Island
6 Rail Road tracks and the west side of Briarson
7 Avenue, south side of North Street and it's
8 developed on the west side with a residential
9 property. So just to go through the staff
10 report, why don't we --
11 MR. MILAZZO: Julie, we will give this to
12 the stenographer. This will be Staff Exhibits
13 A through I.
14 MS. HARGRAVE: This is a project site. It
15 is a little over four acres. It's split zoned
16 into A5 and J business 2 zoning districts.
17 There is -- it's partially wooded, as you can
18 see, roughly split wooded and then the old
19 agricultural field. The proposed project is on
20 the field in this corner, the northwest corner
21 of the site. So no clearing is proposed by the
22 applicant. There may be some native grasses on
23 the field but no wooded area. This was a
24 property that was from -- what we can tell --
25 was from the deeds, owned by the county back if

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1 PUBLIC HEARING
2 1986 and transferred a couple of times between
3 the county and the former owner and (inaudible)
4 bought it this January 2017.
5 MR. ROMAINE: They bought it from the
6 county?
7 MS. HARGRAVE: No, they bought it from the
8 owner, the estate of Seth Morgan.
9 MR. ROMAINE: Some of them are well known.
10 MS. HARGRAVE: In 2015 it was bought back
11 by Seth Morgan from the county so it was owned
12 by the county as recently as 2015.
13 MR. ROMAINE: A local law 16. Local law
14 16 is a right of redemption. Yes, 15 you need
15 a resolution.
16 MS. HARGRAVE: The project is a proposed
17 one-story 4,295 square foot residence, group
18 residence, with an individual sanitary system
19 and yet it's proposed in the northwest corner
20 of property. It's development under the Pine
21 Barrens Act and their numbers of permits you
22 need, it's just within the (inaudible)
23 jurisdiction areas, and health department
24 approval, of course. Just some other aspects
25 of the site, we have not received information

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1 PUBLIC HEARING
2 from the program yet on this site so we are
3 waiting for that response. There's no wetlands
4 as far as we understand from the survey. The
5 depth ground water is about 13 feet, a little
6 bit high. The site did have a house that was
7 recently demolished in this location, it was
8 call a morgan house. That was over 200 years
9 old but at the time, it wasn't clear that that
10 was any sort of structure. It wasn't actually
11 listed on a national registrar type of listing
12 like that but it was an old structure in the
13 Manorville depot store district and that's not
14 an official historic district but it was one
15 proposed by the town in about 2006.
16 This site is surrounded by -- this is
17 pictures of the site. This was the house that
18 was demolished. The site is surrounded by a
19 significant amount of public land because it is
20 in the core and also some of the residential
21 development and farms as well and most of the
22 study areas in the core and to the north is
23 Peconic River and the Town of Riverhead town
24 line. Again, this will -- it appears to meet
25 the health department standards and it will

<p style="text-align: right;">Page 5</p> <p>1 PUBLIC HEARING</p> <p>2 meet their approval. There have been a number</p> <p>3 of approved hardships in the area and a couple</p> <p>4 that have been denied and they are near the</p> <p>5 site. They are listed in your staff report.</p> <p>6 This organization, IGHL, did apply for a</p> <p>7 hardship from the commission back in 2001 to</p> <p>8 develop another property in the core and it was</p> <p>9 denied. That site was densely wooded and on</p> <p>10 Schultz Road outside of the study area, but it</p> <p>11 was a different -- it was a different site.</p> <p>12 The applicant has submitted their petition to</p> <p>13 address the criteria and they also included in</p> <p>14 their application a number of decisions,</p> <p>15 approvals and denials of the projects to</p> <p>16 support their petition. Do you have any</p> <p>17 questions on the site?</p> <p>18 (No response.)</p> <p>19 MS. HARGRAVE: We asked a few questions at</p> <p>20 the end of the staff report on the design of</p> <p>21 the proposed structure, that we'll be impeding</p> <p>22 with quickly historic nature and rural nature</p> <p>23 of this area, and if you would be willing to</p> <p>24 have the covenant on the wooded area, note that</p> <p>25 the application mentioned that maybe willing to</p>	<p style="text-align: right;">Page 7</p> <p>1 PUBLIC HEARING</p> <p>2 structure itself, including all porches, would</p> <p>3 be limited to only 2.1 percent of the entire</p> <p>4 parcel. To talk for a second about the house</p> <p>5 in the back, the house in the back is across</p> <p>6 the street from a very active and popular bar</p> <p>7 across the railroad tracks. It was an</p> <p>8 attractive nuisance, it was dangerous and there</p> <p>9 was also an abandoned attracted nuisance</p> <p>10 trailer on the property and that structure was</p> <p>11 removed in accordance with the demolition</p> <p>12 permit by the town.</p> <p>13 If I can give context to the application,</p> <p>14 we do have our architect here present, who will</p> <p>15 show some renderings of a site plan and</p> <p>16 renderings of the structure but it is proposed</p> <p>17 to be a one-story house, approximately 4,295</p> <p>18 square feet built on that corner in the cleared</p> <p>19 area. Zero clearing would be required for the</p> <p>20 property. We would covenant and agree to</p> <p>21 whatever the commission wants on the balance of</p> <p>22 the property including that the other 50</p> <p>23 percent remains forever natural or wild or</p> <p>24 whatever wants to be drafted.</p> <p>25 This structure, as proposed, which also is</p>
<p style="text-align: right;">Page 6</p> <p>1 PUBLIC HEARING</p> <p>2 do something like that. Thank you.</p> <p>3 MR. EGAN: My name is Brian Egan and I am</p> <p>4 an attorney with Egan and Golden. I represent</p> <p>5 IGHL, the applicant on this property. Those of</p> <p>6 you who are not familiar with IGHL, is probably</p> <p>7 the premier facility and organization to care</p> <p>8 for people with developmental disabilities,</p> <p>9 founded in 1970's. It is probably one of the</p> <p>10 largest in the state not for profits for</p> <p>11 housing for people with developmental</p> <p>12 disabilities. This is a unique site which</p> <p>13 presents a unique opportunity. This is a very</p> <p>14 unique intersection on both public health, the</p> <p>15 preservation of the Pine Barrens and also site</p> <p>16 development with the Department of</p> <p>17 Developmental Disabilities. This site is</p> <p>18 unique because it's 4.12-acres, 50 percent of</p> <p>19 it is wooded where the old house was located.</p> <p>20 The other 50 percent is wide open. The</p> <p>21 proposal, which we proposed to build on this,</p> <p>22 is located up in this corner and would only</p> <p>23 cover 2.1 percent of the entire parcel. If you</p> <p>24 included in the pro septic systems, it would be</p> <p>25 approximately 11 percent but the physical</p>	<p style="text-align: right;">Page 8</p> <p>1 PUBLIC HEARING</p> <p>2 a unique opportunity for us would fit on this</p> <p>3 property for developments and meet all set back</p> <p>4 requirements and require no variances and be</p> <p>5 built as of right. We tucked it into that very</p> <p>6 front corner and would meet all of the town</p> <p>7 building codes without the need for a variance.</p> <p>8 That is important to know as well. If I can</p> <p>9 just introduce our architectures to give a</p> <p>10 quick explanation on -- oh, this is perfect.</p> <p>11 MR. RUMPLICK: What's going to be handed</p> <p>12 out to you, I made a bunch of copies. You'll</p> <p>13 see the front page is the same as what you see</p> <p>14 on the board here plus some elevations of the</p> <p>15 structure that we are proposing to --</p> <p>16 (inaudible). A lot of the bullet points that I</p> <p>17 was going to say was already mentioned, you</p> <p>18 know, the fact that the impact of the house</p> <p>19 itself is only 2.1 percent, total disturbance</p> <p>20 is going to be less than 11 percent of the</p> <p>21 property. You know, the structure is built on</p> <p>22 the property, that is farmland. It doesn't</p> <p>23 require any clearing. We are going to meet all</p> <p>24 of the zoning requirements for the Town of</p> <p>25 Brookhaven for zoning 5 residential structure,</p>

<p style="text-align: right;">Page 9</p> <p>1 PUBLIC HEARING</p> <p>2 it is an as-of-right application and we feel</p> <p>3 the architecture is going to be consistent with</p> <p>4 the architecture of the neighbor. I don't know</p> <p>5 how much more I can add to that.</p> <p>6 The house is a ranch, a one-story house.</p> <p>7 Kind of like I said, it's very consistent with</p> <p>8 the style of housing that's currently</p> <p>9 constructed in the neighborhood. Is there's</p> <p>10 any questions with regards to the actual plans</p> <p>11 themselves?</p> <p>12 MR. COLLINS: How many square feet?</p> <p>13 MR. RUMPLICK: The square foot is the</p> <p>14 original house.</p> <p>15 MR. COLLINS: Oh, the small --</p> <p>16 MR. WALTER: The one that was torn down.</p> <p>17 MR. RUMPLICK: I know it was a two-story.</p> <p>18 Maybe 1600, 800 a floor. I personally walked</p> <p>19 through that, it was seriously compromised over</p> <p>20 the years.</p> <p>21 Switching to the criteria in the</p> <p>22 legislation, to address the compelling public</p> <p>23 need, again, why this is a unique intersection</p> <p>24 for this nonprofit and the Pine Barrens</p> <p>25 Commission is that there is a very high cost of</p>	<p style="text-align: right;">Page 11</p> <p>1 PUBLIC HEARING</p> <p>2 surrounded by undeveloped, uncleared parcels.</p> <p>3 This is a unique situation in that out of the</p> <p>4 half mile radius, all of the privately owned</p> <p>5 parcels are developed, including this one until</p> <p>6 the house was torn down. All of the parcels</p> <p>7 were residentially developed in the area,</p> <p>8 whether county properties or not.</p> <p>9 To return to the compelling public need,</p> <p>10 the housing requirement for this house, and the</p> <p>11 need for this house in particular, in Suffolk</p> <p>12 county is essential for public health and</p> <p>13 public safety. If I can introduce Frank</p> <p>14 Lombardi, he is the assistant to the CEO of</p> <p>15 IGHL. He can give a more comprehensive</p> <p>16 background on that.</p> <p>17 IGHL right now is one of only a couple of</p> <p>18 the agencies that are developing group homes</p> <p>19 throughout Suffolk and the Nassau County.</p> <p>20 Recently, we took over four programs from New</p> <p>21 York State. As part of the deal with the</p> <p>22 State, we had to -- they were larger buildings</p> <p>23 and the State was looking for more community</p> <p>24 base programs for our consumers to go live in.</p> <p>25 I know many of you are familiar with our group</p>
<p style="text-align: right;">Page 10</p> <p>1 PUBLIC HEARING</p> <p>2 housing and purchasing houses for</p> <p>3 developmentally disabled people, as the cost is</p> <p>4 extremely high on Long Island but extremely</p> <p>5 high on the east end and while the State</p> <p>6 programs help, we have to finance this</p> <p>7 construction, we need to find a location that</p> <p>8 fits within what's called the radius, the</p> <p>9 permissible radius. The radius of houses, they</p> <p>10 can not be clustered, they have to be within a</p> <p>11 certain mileage/distance. That restricts even</p> <p>12 the possibility of whatever houses we can buy</p> <p>13 or construct to fulfill our housing obligations</p> <p>14 with the State. The other requirement that the</p> <p>15 state requires is that we must fit in with the</p> <p>16 surrounding residential uses and the proposal</p> <p>17 of a one-story ranch house fits perfectly in</p> <p>18 this neighborhood because it is surrounded</p> <p>19 exclusively by residential uses, so it's not</p> <p>20 out of character to have this property</p> <p>21 developed.</p> <p>22 I can even draw a distinction, perhaps,</p> <p>23 saying the lesson we learned in the last time,</p> <p>24 the parcel we had originally been turned down</p> <p>25 was on undeveloped number one, uncleared and</p>	<p style="text-align: right;">Page 12</p> <p>1 PUBLIC HEARING</p> <p>2 homes. We have 72 of them now, if you can</p> <p>3 believe that. That's stretched from the</p> <p>4 Southold on the east end to Jericho out west.</p> <p>5 We are finding it increasingly difficult</p> <p>6 to find real estate that meets the State</p> <p>7 thresholds. Correct me if I am wrong, we have</p> <p>8 thresholds on square footages, we have to find</p> <p>9 houses that come in under \$161,000 per consumer</p> <p>10 which includes all construction and all</p> <p>11 renovation; is that correct?</p> <p>12 UNIDENTIFIED SPEAKER 1: Yes.</p> <p>13 MR. LOMBARDI: So finding properties that</p> <p>14 meet those thresholds that fit the community is</p> <p>15 becoming increasingly difficult. We find this</p> <p>16 a property at a very reasonable price. It's a</p> <p>17 perfect fit for this community, we have seven</p> <p>18 developmentally disabled adults that are going</p> <p>19 to be living here who are profoundly disabled.</p> <p>20 I think the impact to the neighborhood would be</p> <p>21 minimal.</p> <p>22 MR. EGAN: Any questions?</p> <p>23 MR. WALTER: My question is more -- how do</p> <p>24 you think the Pine Barrens Commission interacts</p> <p>25 with the Padavan Law? Have you done that</p>

<p>Page 13</p> <p>1 PUBLIC HEARING</p> <p>2 research?</p> <p>3 MR. EGAN: Frank actually talked about</p> <p>4 that.</p> <p>5 MR. LOMBARDI: Yes, the Padavan Law as you</p> <p>6 all know is a law that was developed in the</p> <p>7 70's that basically gave the rights to people</p> <p>8 with developmental disabilities, the</p> <p>9 opportunities to live in communities. At the</p> <p>10 time -- I am sure many of you in this room</p> <p>11 remember Wolbrook (phonetic). The State</p> <p>12 mandated the deed of sexualization from all of</p> <p>13 consumers from Wolbrook. One of the things</p> <p>14 that we found is that as technology has</p> <p>15 progressed, people that would have either not</p> <p>16 been born or would have been stillborn or would</p> <p>17 not be living this long, you have the</p> <p>18 technology that exists today, it's keeping</p> <p>19 these guys alive longer, so we have more of a</p> <p>20 critical need. So the State is really being</p> <p>21 innodated with these people who are -- and it's</p> <p>22 probably close to 10,000 people in New York</p> <p>23 State that are waiting for services that are</p> <p>24 being kept home with mom and dad and right now</p> <p>25 only the most critical people are getting</p>	<p>Page 15</p> <p>1 PUBLIC HEARING</p> <p>2 what our -- you might not even have to be here.</p> <p>3 MR. ROMAINE: There may be a conflict</p> <p>4 between the Padavan Law and the jurisdiction of</p> <p>5 the Pine Barrens and I don't know -- you make</p> <p>6 an excellent point, we deal with this all the</p> <p>7 time and we have group houses that are built</p> <p>8 for whatever reasons. There are people in the</p> <p>9 neighborhoods that object to them. The</p> <p>10 saturation is not an argument against them.</p> <p>11 The town has no jurisdiction and zoning codes</p> <p>12 are not applicable. The law, the Pine Barrens</p> <p>13 Law may not be applicable. For that reason, I</p> <p>14 don't know. I am not an attorney, unlike</p> <p>15 Shawn.</p> <p>16 MR. WALTER: I don't know either.</p> <p>17 MR. EGAN: I appreciate for you both for</p> <p>18 bringing that point up. It brings me back to</p> <p>19 my original -- it brings me back to my original</p> <p>20 introduction. That was one of my points. I</p> <p>21 don't like to and this agency doesn't ever lead</p> <p>22 off with Padavan. The opening to my</p> <p>23 presentation is this is going to be a very</p> <p>24 interesting intersection between public health,</p> <p>25 group home --</p>
<p>Page 14</p> <p>1 PUBLIC HEARING</p> <p>2 placements, so it's becoming a very</p> <p>3 difficult -- and one of my office managers is</p> <p>4 here, she can attest to the fact that finding</p> <p>5 property so build a home like this out west is</p> <p>6 almost impossible that meets the parameters so</p> <p>7 I think it fits well within the Padavan Law no</p> <p>8 matter what community we try to do this in.</p> <p>9 MR. WALTER: So my question, John, you</p> <p>10 know the Padavan Law trumps most of our zoning</p> <p>11 codes.</p> <p>12 MR. MILAZZO: I wasn't aware of it.</p> <p>13 MR. WALTER: You can put a group home</p> <p>14 pretty much anywhere and they are really</p> <p>15 commercial facilities. They are not, I have</p> <p>16 cousins and my sister-in-law -- they are really</p> <p>17 more commercial in nature than they are</p> <p>18 residential, and the Town of Riverhead, the</p> <p>19 Town of Brookhaven, you can try one time -- we</p> <p>20 tried to fight the saturation, that was just a</p> <p>21 mistake, we lost so badly, I was only a junior</p> <p>22 town attorney then. But they really, under</p> <p>23 Padavan, have the ability to do whatever the</p> <p>24 heck it is they want, and all you can do is</p> <p>25 request a hearing, so I think we have to know</p>	<p>Page 16</p> <p>1 PUBLIC HEARING</p> <p>2 MR. WALTER: I heard that, Brian.</p> <p>3 MR. EGAN: Okay. To back up, also, one of</p> <p>4 the exhibits that were passed out which we</p> <p>5 marked as Applicant's 2 is the OPWDD letter.</p> <p>6 Including in Applicant 2 is a letter from the</p> <p>7 OPWDD which is a very important letter to us</p> <p>8 because they have to approve the site and</p> <p>9 location before we can go forward and just to</p> <p>10 illustrate that this is not a fools errand and</p> <p>11 not wasting the commission's time and how</p> <p>12 critically important it is for us to do this,</p> <p>13 they have already provided to us this letter,</p> <p>14 authorizing this site, through certain other</p> <p>15 requirements that we have to go through which</p> <p>16 we will not have a problem meeting, but</p> <p>17 approving this site, and also, I can report</p> <p>18 maybe it's bad because of public health and the</p> <p>19 need, but this house is already full, this</p> <p>20 house already has a waiting list and it's ready</p> <p>21 to be fully occupied. This is not, so to</p> <p>22 speak -- this house need is fully fulfilled and</p> <p>23 we have a waiting list already growing. It's</p> <p>24 important, again, it fits in -- and again, with</p> <p>25 full respect to the commission, we want to show</p>

<p>Page 17</p> <p>1 PUBLIC HEARING</p> <p>2 that we can fulfill these requirements but it</p> <p>3 fulfills BI. The post development will serve</p> <p>4 an essential health or safety need</p> <p>5 municipality. The need is demonstrated the</p> <p>6 Suffolk County, no question. That the public</p> <p>7 benefit for the proposed use are of character</p> <p>8 that override the importance of protection of</p> <p>9 the core preservation area as established in</p> <p>10 this article. We respect the core preservation</p> <p>11 area, of course, and this proposed structure is</p> <p>12 only a one-story residential house.</p> <p>13 Proposed use is required to serve existing</p> <p>14 needs of the residence, the need is there.</p> <p>15 More than we need is fulfilled. Another</p> <p>16 feasible alternative to this is outside the</p> <p>17 core preservation area established public need</p> <p>18 and that no better alternative exists within</p> <p>19 the county.</p> <p>20 Turning to the extraordinary hardship</p> <p>21 section of the statute. If the property hadn't</p> <p>22 remained undeveloped, it would have no</p> <p>23 beneficial use, in fact, the structure in the</p> <p>24 back was severely dilapidated and dangerous,</p> <p>25 there was a trailer, this was used for drinking</p>	<p>Page 19</p> <p>1 PUBLIC HEARING</p> <p>2 variances from the town and yet preserves the</p> <p>3 balances of the property.</p> <p>4 Additional criteria that the commission</p> <p>5 can consider, under ten, under subsection ten,</p> <p>6 certainly, based on the rendering would not</p> <p>7 have any material affect on any of the</p> <p>8 properties, it is fully developed, we are not</p> <p>9 looking to carve out a virgin area. Fire</p> <p>10 hazards were reduced on this property because</p> <p>11 this will be unoccupied and this parcel down</p> <p>12 here which certainly was in danger was removed.</p> <p>13 When you balance the core preservation goals</p> <p>14 with the State health interest and goals, I</p> <p>15 would see that we would just come out a bit</p> <p>16 ahead and equity would balance in our favor.</p> <p>17 Only the prior decision which I included in my</p> <p>18 packet, there was a variety of decisions to</p> <p>19 area and we certainly represent them. 1 North</p> <p>20 Street, which is across the street, was a</p> <p>21 single-family home. They were actually granted</p> <p>22 permission to clear vegetation up to</p> <p>23 20 percent. That's directly across the street,</p> <p>24 we proposed zero. 34 North, don't get thrown</p> <p>25 off by the numbers, the numbering is strange in</p>
<p>Page 18</p> <p>1 PUBLIC HEARING</p> <p>2 by kids, it was in bad shape. We could have</p> <p>3 kept that house, however, it was in the most</p> <p>4 densely forested area of the parcel and it</p> <p>5 would have required that driveway be developed.</p> <p>6 It just was not practical and also it was also</p> <p>7 beat from the railroad tracks. If you also</p> <p>8 notice, in our submission, you will see that</p> <p>9 the entire area of this entire area is</p> <p>10 completely open and cleared from the street.</p> <p>11 We would not have to take down one tree to</p> <p>12 develop it.</p> <p>13 Unique circumstances on this property.</p> <p>14 Again, I indicated this property, if it was</p> <p>15 sterilized or this was turned down, would be</p> <p>16 the only privately owned parcel without</p> <p>17 residential structures on it. Also, one of the</p> <p>18 elements you have to consider in the law, we</p> <p>19 did, as soon as we purchased this property,</p> <p>20 apply through the town for the demolition and</p> <p>21 then immediately came to this commission to</p> <p>22 respect the aspects of the law. We understand</p> <p>23 the jurisdiction of the commission. Again,</p> <p>24 respecting the development in this area, we</p> <p>25 proposed a structure that would require no</p>	<p>Page 20</p> <p>1 PUBLIC HEARING</p> <p>2 this neck of the woods, but it is just 200 feet</p> <p>3 east on the street. That's also a</p> <p>4 single-family home that was permitted to be</p> <p>5 constructed. Essentially, those two</p> <p>6 applications were identical to our applications</p> <p>7 with one significant exception. We don't</p> <p>8 require any clearing and don't request any.</p> <p>9 Core decisions within one mile by our analysis</p> <p>10 approved by the board including multiple</p> <p>11 single-family dwellings, a subdivision, a</p> <p>12 church on North Street, a day care center and a</p> <p>13 clubhouse for a golf course. The denials that</p> <p>14 were included in the packet, again, for</p> <p>15 presidential value, the denials were different.</p> <p>16 One property didn't have the adequate street</p> <p>17 frontage, we do. One parcel was adjoining</p> <p>18 fully surrounded by empty parcels, that is not</p> <p>19 the case here and also the other ones were low</p> <p>20 density. Here, also we have fully developed</p> <p>21 residential neighborhoods.</p> <p>22 Unless the commission has any questions,</p> <p>23 that concludes my presentation and thank you</p> <p>24 very much for your attention.</p> <p>25 MS. PRUSINOWSKI: Mr. Egan, if I</p>

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1 PUBLIC HEARING
2 understand you correctly, you said there was a
3 denial for another location?
4 MR. EGAN: IGHL previously purchased the
5 parcel many years ago, not near this and that
6 was denied.
7 MS. HARGRAVE: Shultz Road.
8 MR. LOMBARDI: That was 2001. And
9 Mr. Amper would probably recollect, it was --
10 we didn't realize when we purchased it, it was
11 near an old cemetery so we had to have an
12 archaeological survey done, you know, and
13 working with the commission back then, we
14 certainly didn't want to do anything that the
15 commission was not going to be favorable with.
16 We didn't want to disrupt the environment. We
17 still currently own that parcel, it's still
18 currently undeveloped.
19 MR. McCORMICK: Is that restricted by
20 State law?
21 MR. LOMBARDI: No, that is a requirement
22 by the State. On the four programs that we
23 took over, each program is a 12 bed facility.
24 They have mandated that these particular seven
25 residents be out of the facility that they are

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1 PUBLIC HEARING
2 in now within 18 months so we are getting a
3 little close to, you know, what we need to --
4 MR. McCORMICK: Why are they mandated to
5 be out of that facility?
6 MR. LOMBARDI: Out in Melville, there is a
7 conglomeration of group homes, the State a
8 trying to get away from campus based settings,
9 so they had 24 group homes built on the same
10 site. The State made the decision that they
11 wanted to get rid of that model, I am sure
12 there's an intent to sell that property. It's
13 located in a very posh area, I am sure they
14 will get plenty of money for it. So there are
15 two units. It used to be a former larger
16 facility that they built South Oaks on and on
17 one side they built 12 group homes and on the
18 other side they built 12 very large group
19 homes. We took over four of them. We are now
20 having to build at the requirement of the State
21 12 or 8 group homes just out of taking over
22 those four group homes.
23 MR. McCORMICK: I considered you are going
24 have an active railroad line right passed that
25 facility. They are going to be able to hear.

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1 PUBLIC HEARING
2 Is there any issue with that?
3 MR. LOMBARDI: No, not with these guys.
4 They are extremely, profoundly disabled. I
5 think it's set far back enough where -- I don't
6 think that those trains run through that area.
7 MR. McCORMICK: There's enough at night
8 that you can hear, trust me.
9 MR. EGAN: We are aware of the train noise
10 and there is a crossing right here
11 (indicating).
12 MR. McCORMICK: I am very familiar with
13 the area. Unfortunately, a lot of these guys
14 are on very heavy medications that when they go
15 to bed at night they pretty much are out.
16 MR. EGAN: This is not going to be a --
17 this group home, with the disabilities that we
18 are going to be taking care of, are not going
19 to be requiring any site development or any
20 pools, that's not what this is and we will say
21 we are never going to go there.
22 MR. WALTER: Are you asking us to consider
23 this then under public needs?
24 MR. EGAN: The proposed development will
25 service as an essential health or safety need

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1 PUBLIC HEARING
2 in municipalities and Central Pine Barrens
3 essential to public safety required to request
4 a waiver that the public benefits from the
5 proposed use of chiropractor overrides the
6 importance of the protection of the core
7 preservation area as established in the article
8 that the proposed use is required to serve
9 existing needs of the residents and that no
10 feasible alternatives exist outside the core
11 preservation area to meet the established
12 public need and no better alternative exists
13 within the county.
14 MR. WALTER: You don't even have to get
15 there under the propelling needs, correct?
16 MR. MILAZZO: He gave us both options.
17 MR. WALTER: I'd vote on it today.
18 MR. ROMAINE: There's nowhere else outside
19 of the core that could be where this could be
20 developed?
21 MR. EGAN: I am sure that's going to be
22 Mr. Amper's point. It's always a municipal
23 law. You can play a zero sum game, it's almost
24 impossible to say no, never, no where. I think
25 in that element, you got to balance the equity

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1 PUBLIC HEARING
2 and it's not a no feasibility, no anywhere,
3 certainly, could I say we can construct an
4 island in the middle of the Great South Bay and
5 build on that, sure. That's not really
6 realistic, do I think it's feasible? We have
7 testimony from IGHL professionals who say it is
8 very, very difficult to try to fill the State's
9 needs and this parcel fits perfect. It's a
10 balance of the equity.
11 MS. MEEK GALLAGHER: Any other commission
12 with questions? Mr. Amper.
13 MR. AMPER: So that they are doing a good
14 thing doesn't mean that they are entitled to a
15 hardship. Compelling public needs, I think
16 Mr. Walter read it all the way down to the end
17 and that it cannot be done elsewhere. The
18 compelling public need that is to qualify is
19 that this cannot be done outside of the core
20 preservation area, so let's look at the history
21 of what the commission has done on that. You
22 have a printout of record. The Padavan thing
23 is the issue for them to raise a few
24 responsibly deny the application. If somebody
25 believes the Padavan should receive the

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1 PUBLIC HEARING
2 importance of protecting the Pine Barrens, then
3 that's something somebody else needs to raise.
4 MR. ROMAINE: In the Pine Barrens Act?
5 MR. AMPER: Yes.
6 MR. WALTER: Think about what you just
7 said.
8 MR. ROMAINE: We have confronted with our
9 local zoning, we think that land use is
10 important but the State obviously when they
11 didn't have an act over road all local zoning.
12 MS. MEEK GALLAGHER: This is that state
13 law now.
14 MR. AMPER: In the Padavan act overrides
15 it, that is another issue, but it is not a
16 decision to be made by it's responsibility to
17 address very specifically the requirements of
18 the Pine Barrens Act.
19 MR. WALTER: I am on this.
20 MR. AMPER: I know you want to help them
21 or compromise.
22 MR. WALTER: Think about what you are
23 saying.
24 MR. AMPER: Why is he testifying?
25 MR. MILAZZO: He is not testifying. First

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1 PUBLIC HEARING
2 off, you are giving public comment in a
3 hearing. He's allowed to speak whenever he
4 wishes. I am asking you a question.
5 MR. WALTER: Here's the question for
6 Mr. Amper who is too impatient to listen. If
7 you get to that point with the Padavan question
8 is raised and we lose it. It's open session on
9 the Pine Barrens Act because if you lose the
10 Padavan argument and they can override it,
11 everyone of these group homes is going to be
12 whipping through the Pine barrens Act, that's
13 dangerous.
14 MS. MEEK GALLAGHER: I don't think they
15 have billions of dollars to just --
16 MR. WALTER: They have plenty of money.
17 If that question gets raised, think about the
18 ramifications of us addressing the Padavan and
19 losing it.
20 MS. MEEK GALLAGHER: They didn't raise it
21 back then.
22 MR. AMPER: I would like to continue.
23 MR. MILAZZO: You can continue testimony
24 after commission makes his point. When the
25 supervisor is done, you can continue to

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1 PUBLIC HEARING
2 address.
3 MR. AMPER: Really? That's the way you
4 take testimony? Anybody can interrupt anybody
5 when they are speaking?
6 MR. MILAZZO: When they are on the
7 commission, they can.
8 MR. AMPER: I would like to get back to --
9 I agree.
10 MR. MILAZZO: There you go, you agree.
11 MR. AMPER: Not on the Padavan. They
12 didn't use Padavan to get passed the denial
13 last time. Why not?
14 MR. EGAN: I can address that.
15 MS. MEEK GALLAGHER: Dick, you can finish.
16 MR. AMPER: The fact that he has testified
17 that there is no place other than the Pine
18 Barrens for this to be built so I would say
19 that if you say it's all right for them to
20 built there and there are no other places that
21 it is your position that it's perfectly all
22 right for us to pave over the Pine Barrens as
23 long as it's for a group home. I think it's
24 not the law and it's not the purpose of the law
25 but what you are doing is saying precisely, why

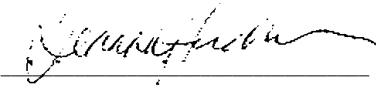
<p>Page 29</p> <p>1 PUBLIC HEARING</p> <p>2 don't we just target -- We have solved the</p> <p>3 problems for group homes everywhere now. Build</p> <p>4 them all in the Pine Barrens. I don't think it</p> <p>5 was intend and had I think the fact that this</p> <p>6 has been previously denied and not superceded,</p> <p>7 the purchase of the property was when? I</p> <p>8 thought that was part of your testimony but I</p> <p>9 did not write it down.</p> <p>10 MR. LOMBARDI: January 2017.</p> <p>11 MR. AMPER: I would further argue that</p> <p>12 this is a self created hardship and they knew</p> <p>13 what the requirements were under the statute</p> <p>14 and went out and purchased the property anyway</p> <p>15 having defined self created. It's in the WSR.</p> <p>16 It's surrounded by public land as the staff</p> <p>17 reported and repeatedly, the applicants said</p> <p>18 this project is as of right. Maybe that</p> <p>19 pertains to as of right under the town law but</p> <p>20 it is not as of right under the Pine Barrens</p> <p>21 Protection Act. The people of the State of New</p> <p>22 York have spent a billion dollars to protect</p> <p>23 the ground water. The only reason, the only</p> <p>24 excuse, the only way you can build in the Pine</p> <p>25 Barrens is if there is no other place, if the</p>	<p>Page 31</p> <p>1 PUBLIC HEARING</p> <p>2 because it's already cleared and it already had</p> <p>3 a structure on it so it's a unique parcel for</p> <p>4 us to develop. Let me also talk about though</p> <p>5 that feasible alternatives. If I can just have</p> <p>6 recall Jerry, our architect, for a very brief</p> <p>7 second to talk about site selection and the</p> <p>8 feasibility or almost impossible of finding</p> <p>9 sites and by the way, I want to preface that</p> <p>10 this is not about the rush to the Pine Barrens</p> <p>11 to find it. What we discovered this parcel</p> <p>12 after purchase was in the Pine Barrens, not</p> <p>13 before, so I can absolutely put on the record</p> <p>14 that that did not happen. It was not a</p> <p>15 self-created hardship. We did not know or</p> <p>16 purposely target this. Second, I am amazed at</p> <p>17 the fiction that was just put onto the</p> <p>18 commission because all of the parcels around</p> <p>19 here that are privately owned, all that are</p> <p>20 privately owned have residences on them. All</p> <p>21 of them, so to say that it's surrounded by</p> <p>22 undeveloped parcels or public parcels is</p> <p>23 utterly false on the record. If every single</p> <p>24 private parcel within a half a mile is fully</p> <p>25 developed so we will not change the character</p>
<p>Page 30</p> <p>1 PUBLIC HEARING</p> <p>2 hardship makes this impossible to do this any</p> <p>3 other place. There's nothing unique about this</p> <p>4 and if there is, because it's being protected</p> <p>5 then we have to follow the rules that pertain</p> <p>6 to what is and is not permitted in the core</p> <p>7 preservation area. We all know that some core</p> <p>8 applications have been granted and some</p> <p>9 haven't. Can we look as they suggest that they</p> <p>10 look on both sides of this and then I need you</p> <p>11 to consider what the consequences are because</p> <p>12 if the only place these people can build group</p> <p>13 homes on Long Island is the Pine Barrens, the</p> <p>14 Pine barrens is screwed.</p> <p>15 MS. MEEK GALLAGHER: Mr. Egan.</p> <p>16 MR. EGAN: Thank you very much,</p> <p>17 chairwoman. Let me ground something in facts</p> <p>18 and not in hyperbulia and also have things that</p> <p>19 were included in my presentation. The reason</p> <p>20 why we withdrew from the last application and</p> <p>21 did not press the development because we</p> <p>22 respected the commission's position based on</p> <p>23 the location of that property. However, this</p> <p>24 location and this type of property is extremely</p> <p>25 unique and presents a unique opportunity</p>	<p>Page 32</p> <p>1 PUBLIC HEARING</p> <p>2 at all. Let me talk about the feasibility if I</p> <p>3 can. Jerry, if you can just give a brief</p> <p>4 overview of how site selection happens and</p> <p>5 what's happening in Suffolk County.</p> <p>6 MR. RUMPLICK: Basically, like</p> <p>7 Mr. Lombardi was able to testify, he has a</p> <p>8 number of occupants that he has to find houses</p> <p>9 for. I work with the real estate division of</p> <p>10 IGHIL and we have so go out and search for</p> <p>11 properties. We have a radius requirement that</p> <p>12 we can't be within a certain proximity of</p> <p>13 another group home. Consistently, we are out</p> <p>14 locating properties that will meet the</p> <p>15 requirements architecturally by the State</p> <p>16 requirements of the group home to find out that</p> <p>17 another say, again, single family within a</p> <p>18 close proximity. There's so many architectural</p> <p>19 elements that two-story houses don't work for</p> <p>20 us. We are talking about handicap adults and</p> <p>21 children. We are limited to ranch house.</p> <p>22 Obviously new property on Long Island, the cost</p> <p>23 of it, most of the time, prohibits it. In this</p> <p>24 instance, it did. With the counsel having to</p> <p>25 testify, yes, can we definitively say that we</p>

<p>Page 33</p> <p>1 PUBLIC HEARING</p> <p>2 couldn't find another location to put this</p> <p>3 house, he can't attest to that but it is</p> <p>4 extremely difficult for this agency to do it.</p> <p>5 And with the property that was already cleared</p> <p>6 and already meets the requirements that the</p> <p>7 State has said. We fit the requirements across</p> <p>8 the board having difficulty finding locations</p> <p>9 for these residents that already exist and are</p> <p>10 on the waiting list waiting to get on this</p> <p>11 house.</p> <p>12 MR. WALTER: I'd like to ask a question.</p> <p>13 So you do this quite a bit, sir? 4,000 square</p> <p>14 foot is a large house so my assumption, and</p> <p>15 correct me if I am wrong, is that you need the</p> <p>16 large house for the number of residents that</p> <p>17 you are going to put in it. Where is your area</p> <p>18 of expertise because I am going to ask you a</p> <p>19 question specific to Brookhaven and you may not</p> <p>20 be able to answer it. How big of a parcel do</p> <p>21 you normally need to get a 4,000 square foot</p> <p>22 ranch house, around an acre?</p> <p>23 MR. RUMPLICK: Typically around an acre.</p> <p>24 MR. WALTER: Is that a difficult --</p> <p>25 MR. RUMPLICK: Yes, absolutely.</p>	<p>Page 35</p> <p>1 PUBLIC HEARING</p> <p>2 what the compelling public need language says.</p> <p>3 We anticipated this.</p> <p>4 MR. WALTER: Do you want to close the</p> <p>5 public hearing at this point?</p> <p>6 MS. MEEK GALLAGHER: Any other questions</p> <p>7 or comments?</p> <p>8 MR. WALTER: Do we want to leave it open</p> <p>9 for written?</p> <p>10 MR. EGAN: I was going to say, if the</p> <p>11 procedure with the commission is -- there were</p> <p>12 questions that were submitted by staff at the</p> <p>13 end.</p> <p>14 MR. WALTER: You can respond in writing</p> <p>15 with that.</p> <p>16 MR. EGAN: This is the first time that</p> <p>17 I've seen this as an applicant.</p> <p>18 MS. HARGRAVE: I think you wanted to meet</p> <p>19 with the commission. The commission doesn't --</p> <p>20 this is when you meet the commission.</p> <p>21 MR. EGAN: It's okay. This is the first</p> <p>22 time we received this. We've never been</p> <p>23 provided this before. Being that this is the</p> <p>24 first time I have seen staff's comments. I</p> <p>25 would like to respond to this.</p>
<p>Page 34</p> <p>1 PUBLIC HEARING</p> <p>2 MR. ROMAINE: What's the size of this</p> <p>3 parcel?</p> <p>4 MR. EGAN: 4.12-acres.</p> <p>5 MR. AMPER: I do want to clarify. Staff</p> <p>6 indicated that there is public holdings</p> <p>7 surrounding this area ask I would say that that</p> <p>8 is not a misrepresentation at all. What's</p> <p>9 misrepresenting is that the residences that</p> <p>10 exist now were preexisting developments, not</p> <p>11 after the Pine Barrens. I am saying that I</p> <p>12 thought it was an accurate description to say</p> <p>13 that there were many public holdings because</p> <p>14 there are and the notion that all the</p> <p>15 surrounding properties implied that this was a</p> <p>16 perfectly reasonable thing to do because it has</p> <p>17 been done before. We have been doing a lot of</p> <p>18 things very differently since the Pine Barrens</p> <p>19 Act. If they were built before the Pine</p> <p>20 Barrens Act, we don't have an argument with the</p> <p>21 Pine Barrens Act. It provides for new</p> <p>22 development and as the gentleman just said,</p> <p>23 it's very hard to find places to do this</p> <p>24 outside of the Pine Barrens Act. That's a very</p> <p>25 scary observation. That's all. That's not</p>	<p>Page 36</p> <p>1 PUBLIC HEARING</p> <p>2 MR. WALTER: We want your response. How</p> <p>3 long do we need?</p> <p>4 MS. MEEK GALLAGHER: The decision deadline</p> <p>5 to keep the comments open --</p> <p>6 MR. WALTER: Keep the comments open for 30</p> <p>7 days.</p> <p>8 MS. MEEK GALLAGHER: 8/4. Our July</p> <p>9 meeting.</p> <p>10 MR. WALTER: Leave it open for 30 days,</p> <p>11 you get the response to us within two weeks.</p> <p>12 MR. EGAN: Sure, absolutely.</p> <p>13 MR. WALTER: Make a motion to close the</p> <p>14 public hearing and leave it open for written</p> <p>15 comment for 30 days with the provision that</p> <p>16 applicants provide written responses to the</p> <p>17 questions we asked and anybody else that wants</p> <p>18 to put written responses in within two weeks of</p> <p>19 today's hearing.</p> <p>20 MR. COLLINS: I just request that staff</p> <p>21 give us the details and findings of the three</p> <p>22 previous hardships that were granted in the</p> <p>23 study area.</p> <p>24 MR. AMPER: And you might want to include</p> <p>25 the ones that were denied. Good idea.</p>

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1 PUBLIC HEARING
2 MR. EGAN: Just for balance, that is how
3 we approach every application. We included the
4 denials and this grants for your presidential
5 value. They were included in our submission.
6 MS. HARGRAVE: We will provide them again.
7 MR. EGAN: Thank you to the commission
8 very much for your time.
9 MS. MEEK GALLAGHER: Make a motion. All
10 in favor.
11 (Second.)
12 MS. MEEK GALLAGHER: All in favor say I.
13 (All in favor.)
14 MS. MEEK GALLAGHER: Apposed?
15 (No response.)
16 MS. MEEK GALLAGHER: Any extensions?
17 (No response.)
18 MS. MEEK GALLAGHER: Okay. The public
19 hearing is closed but open for written comment
20 for 30 days.
21 (Time Noted: 4:28 p.m.)
22
23
24
25

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1 C E R T I F I C A T E
2
3 I, DEANNA HUDSON, a shorthand reporter and
4 Notary Public within and for the State of New York,
5 do hereby certify:
6 That the within statement is a true and
7 accurate record of the stenographic notes taken by
8 me.
9 I further certify that I am not related to
10 any of the parties to this action by blood or
11 marriage, and that I am in no way interested in the
12 outcome of this matter.
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16 DEANNA HUDSON
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