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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

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:
In the Matter of the Application of :
:
:
JOHN DE GREGORIO :
:
:
Requesting Core Preservation Area :
hardship permit to subdivide 42.7 acre :
parcel into three residential building :
lots with a fourth lot to remain open :
space. :
:
- - - - - :

HEARING in the above-captioned matter, held
on the 8th day of August, 2001 at 4:00 P.M., at
Riverhead Town Hall, 200 Howell Avenue, Riverhead,
New York, pursuant to ECL 57-0121(10) of the Plan,
Notice of Hearing, and before Sheila Pariser, R.P.R.,
a Notary Public of the State of New York.

ORIGINAL

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

VINCENT CANNUSCIO, Member
Supervisor, Town of Southampton
BY: JEFFERSON MURPHREE, Acting Chairman

ROBERT J. GAFFNEY, Chairman
Suffolk County Executive
BY: JENNY KOHN

JOHN J. LA VALLE, Member
Supervisor, Town of Brookhaven
BY: BRENDA A. PRUSINOWSKI, AICP

RAY E. COWEN, P.E., Member
DEC Regional Director, Rep. GEORGE PATAKI
BY: WILLIAM H. SPITZ, Chief

ROBERT KOZAKIEWICZ, Member
Supervisor, Town of Riverhead
BY: JOEY MAC LELLAN

DONNA PLUNKETT, Staff to Commission
ANN CARTER, Staff to Commission
MARK RIZZO, Staff to Commission

MC MILLAN, RATHER, BENNETT & RIGANO, P.C.
Attorneys for Commission
48 South Service Road
Melville, New York 11747
BY: JAMES P. RIGANO, ESQ.

oOo

1 [THE HEARING WAS CALLED TO ORDER BY THE
2 ACTING CHAIRMAN, JEFFERSON MURPHREE, AT
3 4:10 P.M.]

4
5 MR. MURPHREE: I would like to call the first
6 item to order, which is the application for
7 John DeGregorio.

8 I guess we should go around the
9 room first and introduce everybody
10 beginning with my right.

11 MS. PRUSINOWSKI: I am Brenda Prusinowski,
12 representing Brookhaven Town Supervisor,
13 John J. LaValle.

14 MR. MAC LELLAN: Joey MacLellan, representing
15 Riverhead Supervisor Robert Kozakiewicz.

16 MR. MURPHREE: Jeff Murphree, representing
17 Vincent Cannuscio, Supervisor, Town of
18 Southampton.

19 MS. KOHN: Jennifer Kohn, representing
20 County Executive Robert Gaffney.

21 MR. SPITZ: I am here on behalf of Ray E.
22 Cowen.

23 MR. RIGANO: James Rigano, counsel to the
24 Commission.

25 MS. CARTER: Ann Carter, Commission Staff.

1 MR. MURPHREE:

2 This is a Notice of Public
3 Hearing, "Pursuant to the Environmental
4 Conservation Law, Article 57-0121(10),
5 notice is hereby given that a public
6 hearing will be held by the Central Pine
7 Barrens Joint Planning and Policy
8 Commission on August 8, 2001 on the matter
9 of an application for Core Preservation
Area Hardship Exemption."

10 The subject of the hearing is for
11 John DeGregorio, care of Frederick F.
12 Meyer, P.O. Box 171, Remsenburg, New York,
13 11960.

14 The applicant requests a Core
15 Preservation Area Hardship Permit to
16 subdivide a 42.7 acre parcel into three
17 residential building lots with a fourth lot
18 to remain open space.

19 The project is located on the
20 west side of Pleasure Drive, approximately
21 one mile south of Flanders Road, which is
22 also New York State Route 24 in Flanders,
23 Town of Southampton.

24 This is Suffolk County Tax Map
25 Number 900-183-0-2.002.

1 Is the applicant here?

2 I guess we have a letter
3 requesting a postponement. We received a
4 letter from the representative of the
5 applicant, Frederick Meyer. The letter is
6 addressed to myself.

7 "On behalf of my client, we would
8 respectfully request an adjournment for the
9 hardship hearing on the above matter.
10 Unfortunately, I am scheduled to appear
11 before the Brookhaven Zoning Board in the
12 afternoon and fear I will not be finished
13 in time to get to the Riverhead Town Hall.

14 "Therefore, it is requested that
15 a new hearing on this matter be rescheduled
16 for September 26, 2001.

17 "Sincerely, Frederick F. Meyer."

18 I would like a motion to adjourn
19 this to September 26th. At what time?

20 MS. CARTER: That's the meeting that starts at
21 noon.

22 MR. MURPHREE: Say two o'clock? Do I have a
23 motion?

24 MR. MAC LELLAN: So move.

25 MS. PRUSINOWSKI: Second.

1 MR. MURPHREE: All those in favor state aye.

2 [WHEREUPON THE MOTION MADE AND SECONDED WAS
3 VOTED ON AND CARRIED. THE HEARING WAS
4 ADJOURNED AT 4:15 P.M. TO SEPTEMBER 26,
5 2001 AT 2:00 P.M.]

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CERTIFICATION

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK)

I, SHEILA PARISER, R.P.R., a Notary Public in
and for the State of New York, do hereby certify:

THAT this is a true and accurate record of
the Hearing held before the Central Pine Barrens
Joint Planning and Policy Commission, in the matter
of JOHN DE GREGORIO, held on August 8, 2001, as
reported by me and transcribed under my direction.

IN WITNESS WHEREOF, I have hereunto set my
hand this 25th day of August, 2001.



SHEILA PARISER, R.P.R.

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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

- - - - - :
:
In the Matter of the Application of :
:
IGHL, c/o FRANK LOMBARDI :
:
:
Requesting Core Preservation Area :
hardship permit to construct a 4500 :
square foot Individualized Residential :
Alternative home with sanitary system :
on a 1.0 acre site. :
:
- - - - - :

HEARING in the above-captioned matter, held
on the 8th day of August, 2001 at 4:15 P.M., at
Riverhead Town Hall, 200 Howell Avenue, Riverhead,
New York, pursuant to ECL 57-0121(10) of the Plan,
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MC MILLAN, RATHER, BENNETT & RIGANO, P.C.
Attorneys for Commission
48 South Service Road
Melville, New York 11747
BY: JAMES P. RIGANO, ESQ.

FRANK LOMBARDI, appearing for applicant
10 Chestnut Lane
Quogue, New York 11942

ROBERT DEBESTER, appearing for applicant
77 Van Buren Street
Port Jefferson Station, New York 11776

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1 [THE HEARING WAS CALLED TO ORDER BY THE
2 ACTING CHAIRMAN, JEFFERSON MURPHREE, AT
3 4:15 P.M.]
4

5 MR. MURPHREE: The next application on the
6 agenda is IGHL, c/o Frank Lombardi, P.O.
7 Box 638, East Moriches, New York, 11940-
8 0638. Property of the Estate of Ivy
9 Virginia Gaffga.

10 The hearing is being held,
11 "Pursuant to the Environmental Conservation
12 Law, Article 57-0121(10), notice is hereby
13 given that a public hearing will be held by
14 the Central Pine Barrens Joint Planning and
15 Policy Commission on August 8, 2001 on the
16 matter of an application for Core
17 Preservation Area Hardship Exemption.

18 This applicant requests a Core
19 Preservation Area Hardship Permit to
20 construct a forty-five hundred square foot
21 Individualized Residential Alternative Home
22 with sanitary system on a 1.0 acre site.

23 The location of the property is
24 the east side of Wading River Road,
25 approximately four hundred ten feet north

1 of North Street, Manorville, Town of
2 Brookhaven.

3 It is Suffolk County Tax Map
4 Number 200-460-1-27.

5 Is the applicant here? Come on
6 up.

7 MR. LOMBARDI: Frank Lombardi.

8 MR. DEBESTER: Robert Debester.

9 MR. MURPHREE: We have some exhibits from staff
10 that will be entered into the record.

11 MS. CARTER: Exhibit 1 is the exhibit cover
12 sheet.

13 Exhibit 2 is a Staff Report
14 prepared by Commission Staff, issue date
15 August 8, 2001.

16 Exhibit 3 is a 1999 aerial photo
17 showing subject property outlined in red.
18 Photo produced using a Geographic
19 Information System Program entitled ArcView
20 3.2., aerial photo obtain from project
21 involving a consortium of municipal
22 agencies and also a part of the Suffolk
23 County Police E-911 Project. Photo not
24 ortho-rectified and property lines drawn on
25 this photo are not necessarily to scale.

1 Exhibit 4 is the same as Exhibit
2 3, except it is an aerial photo showing the
3 subject parcel outlined in red, surrounding
4 protected lands shaded green and existing
5 development in blue.

6 Exhibit 5 is a panoramic
7 photograph taken in a northeasterly
8 direction showing the site along an
9 undeveloped stretch of Wading River Road.
10 The photo was taken by Commission Staff on
11 August 2, 2001 with an Olympus Model 2020
12 digital camera and processed using Olympus
13 Camedia Master Vision 1.2 and QuickStitch
14 Version 1.02 software.

15 Exhibit 6 is the same as Exhibit
16 5, except the photograph shows the
17 vegetation type on the proposed building
18 lot, which is primarily dominated by white
19 oak with an understory of American chestnut
20 and blueberries.

21 The applicant has requested a
22 Core Preservation Hardship Permit to
23 construct a forty-five hundred square foot
24 Individualized Residential Alternative with
25 sanitary system on a 1.0 acre site.

1 The property owner is the Estate
2 of Ivy Gaffga and we don't know the date of
3 the purchase of that property.

4 The applicant is IGHL. It is
5 located on the east side of Wading River
6 Road, approximately four hundred ten feet
7 north of North Street in Manorville. The
8 zoning is A-5 Residence. That's one single
9 family dwelling per two hundred thousand
10 square feet.

11 You will note on the photos -- I
12 made a photo of the existing surrounding
13 neighborhood showing the subject parcel,
14 which is outlined in red. It is part of a
15 large contiguous area of undeveloped wooded
16 land, most of which is protected in public
17 ownership.

18 The immediate area surrounding
19 the site consists of predominantly vacant,
20 wooded residentially zoned parcels with
21 several parcels containing dwellings
22 constructed prior to Article 57.

23 The existing development on that
24 photo is noted with a blue asterisk.

25 The parcel lies within the

1 headwaters of the Peconic River, and is
2 also in the New York State DEC Recreational
3 River Corridor. It would need a permit
4 from the DEC for that.

5 It is also within a quarter mile
6 of New York State DEC mapped freshwater
7 wetlands with natural heritage elements
8 within a half mile of this site.

9 The estimated depth to
10 groundwater is less than ten feet, and
11 there are cultural resources located on the
12 property abutting the site to the east.

13 A letter was forwarded to the New
14 York State Office of Parks, Recreation and
15 Preservation for comments.

16 The status with regard to SEQRA
17 is that we have not determined what type of
18 action it is. We are waiting for
19 additional information.

20 I have included in the Staff
21 Report the hardship criteria. A letter
22 from the applicant dated June 12, 2001
23 requests a hardship permit due to a
24 compelling public need as described in
25 Section 57-0121(10) of Article 57. The

Commission should consider whether or not the proposal meets the permit standards and criteria for the establishment of compelling public need, which are cited on Pages 2 and 3 of the Staff Report.

On the last page I have also added some other considerations for the Commission, and I guess I will turn it over to the applicant.

MR. RIGANO: Before we do that, maybe we can mark the exhibits.

[WHEREUPON EXHIBITS REFERRED TO WERE MARKED COMMISSION'S EXHIBITS 1 THROUGH 6 IN EVIDENCE.]

F R A N K L O M B A R D I and R O B E R T D E B E S T E R, having been duly sworn, testified as follows:

MR. MURPHREE: Could you state your names and addresses for the record, please?

MR. LOMBARDI: Frank Lombardi. My home address is 10 Chestnut Lane, Quogue, New York, 11942.

MR. DEBESTER: Robert Debester; 77 Van Buren Street, Port Jeff Station, 11776.

1 MR. MURPHREE: Which of the two of you are going
2 to be presenting the application?

3 MR. LOMBARDI: I would like to tell you first a
4 little bit about the program. Bob could
5 start with that.

6 MR. DEBESTER: It is a six bed dwelling, which
7 is predominantly a residential site for six
8 medically frail adults. Typically, these
9 adults will go to a program during the day,
10 come home at night, have dinner, have some
11 programs in the house, training and so
12 forth, do their normal hygiene, go to bed;
13 carry on a normal lifestyle like you and I
14 would under the guidelines of some direct
15 care counseling.

16 MR. MURPHREE: There will be six adults and
17 there will be caretakers, also, living in
18 the house?

19 MR. DEBESTER: Yes.

20 MR. MURPHREE: How many will there be?

21 MR. DEBESTER: Typically, there is ten staff
22 assigned to a house to cover twenty-four
23 hours/seven days. So, how each shift
24 splits out --

25 MR. MURPHREE: [INTERPOSING] There won't be ten

1 staff living there?

2 MR. DEBESTER: No; no, no staff will live there.

3 However, there will always be somebody on-
4 site.

5 MR. MURPHREE: Do you have a copy of the Staff
6 Report?

7 MR. DEBESTER: Yes.

8 MR. MURPHREE: Page 2 of the Staff Report
9 recites Hardship Criteria as it relates to
10 Article 57-0121(10). Would you care to
11 address this?

12 MR. LOMBARDI: Yes. Currently, the six
13 individuals reside in our Pine Street IGH
14 Nursing Home facility. Unfortunately, it
15 is a facility that was designed for elderly
16 people with developmental disabilities and
17 mental retardation. However, some of our
18 younger adults who were more medically
19 involved or became medically involved while
20 they were living in some of our other
21 programs ended up being placed there
22 because there are a limited number of
23 programs in the New York State area that
24 can handle that.

25 Through the Governor's New York

1 State Cares Program, we received approval
2 for this six bed home, and logistically, in
3 our property search for this program, we
4 wanted to keep it close to a nursing home
5 facility, number one, because many of the
6 nursing staff are familiar with the medical
7 needs of the client that will be living in
8 the home.

9 Also, logistically, the whole
10 community has been very receptive and
11 helpful in providing emergency services for
12 some of the people in our nursing home. In
13 looking at different properties, this was
14 the only piece of property that we could
15 find for sale oddly enough, which was
16 within a reasonable distance to this
17 facility and also was a financial, viable
18 option for it.

19 We are a not-for-profit
20 organization, and so there is a certain
21 amount of funding that we do get from the
22 State for this program, but everybody is
23 aware how expensive housing and properties
24 have become on Long Island.

25 MR. MAC LELLAN: How far away is the facility?

1 MR. DEBESTER: It is in East Moriches on Pine
2 Street.

3 MR. MAC LELLAN: Is that the picture of the one in
4 here?

5 MR. LOMBARDI: Yes. It is not very far.

6 MR. DEBESTER: I wouldn't even know how to
7 venture a guess. I don't know; ten miles
8 maybe.

9 MR. LOMBARDI: It is not that far. It is less
10 than that.

11 MR. DEBESTER: We also have a seven bed
12 children's medically frail facility. These
13 are technology-dependent children, also in
14 East Moriches, and our real need is to keep
15 all that nursing and medical staff within
16 reasonable proximity so we can handle
17 whatever medical emergencies we have to.

18 This is in the three facilities,
19 medically frail, medically dependent, as
20 well as developmentally disabled
21 individuals. There really is a need to
22 keep the proximity pretty close.

23 MR. MURPHREE: Are there no other properties
24 closer than this?

25 MR. DEBESTER: There are a couple of

1 considerations. There are properties that
2 are closer, and I am having a hard time
3 finding properties that are close that have
4 City water so it can have a sprinkler
5 system operating. There are properties
6 closer, but it is more than an acre, so the
7 price becomes prohibitive. Although there
8 are very prime locations, the price is just
9 way out of range.

10 MR. MURPHREE: To be honest with you, on our
11 location map, looking at the aerial photos
12 in front of me, it seems like a remote
13 area.

14 MS. PRUSINOWSKI: Somewhat.

15 MR. DEBESTER: It is very close to a church.
16 There is another residential facility
17 diagonally across the street.

18 MR. MURPHREE: When you say a residential
19 facility?

20 MR. DEBESTER: There is a house like diagonally
21 across the street.

22 MS. PRUSINOWSKI: The next thing, have you
23 purchased it?

24 MR. MURPHREE: Have you purchased the property
25 yet?

1 MR. DEBESTER: It is in contract. It is
2 contingent upon getting the building
3 permit.

4 MR. MURPHREE: Any questions from the other
5 Commission members?

6 MR. SPITZ: You mentioned there were
7 sprinkler systems. Were you talking about
8 a fire sprinkling system in the building?

9 MR. DEBESTER: Fire.

10 MS. PRUSINOWSKI: What size property is it that you
11 were looking for specifically?

12 MR. DEBESTER: An acre.

13 MS. PRUSINOWSKI: Any other parameters besides the
14 location?

15 MR. DEBESTER: Predominantly I looked for one
16 acre. I looked for City water. I like to
17 have electricity nearby and a relatively
18 flat piece of land that is buildable.

19 If you know of any others, I will
20 be glad to hear about them.

21 MR. LOMBARDI: We have to meet the saturation
22 requirements.

23 MR. DEBESTER: We have to follow the pattern of
24 New York, which prevents us from building
25 homes to a point where a community becomes

1 saturated with group homes.

2 MR. MAC LELLAN: A municipality has never won that
3 law or that argument.

4 MS. PRUSINOWSKI: The nearest facility is Pine
5 Street in East Moriches?

6 MR. DEBESTER: Let's see. Is there any closer
7 from there?

8 There are a couple in Manorville,
9 but again, they are a great distance away.
10 I don't believe there are other group homes
11 in the area.

12 MS. PRUSINOWSKI: What's the area that you are
13 looking at? What kind of a radius are you
14 looking at?

15 MR. DEBESTER: Certainly within a two to five
16 mile radius I don't believe there is
17 anything else.

18 MR. MURPHREE: Again, not being familiar with
19 the area, is this lot in close proximity to
20 services such as hospitals, police, fire?

21 MR. DEBESTER: No, but it is very close to the
22 LIE, which gives us an access to those
23 services.

24 MS. PRUSINOWSKI: It is north of Exit 69 on the
25 Expressway.

1 MR. MAC LELLAN: It puts the Manorville Fire
2 Department just south of them, right?
3 MS. PRUSINOWSKI: Yes, on South Street.
4 MR. DEBESTER: Yes.
5 MR. MURPHREE: Does the Commission have any
6 other questions of the applicant at this
7 time?
8 MR. SPITZ: Give us a moment, please.
9 MR. RIGANO: Did you have anything else that
10 you wanted to convey to us?
11 MR. DEBESTER: I want to answer any questions
12 you may have.
13 MR. RIGANO: Let me look for a minute at the
14 statute. Just give me one moment.
15 MR. MURPHREE: Okay. Generally are there other
16 similar facilities in the area?
17 MR. LOMBARDI: No, not that we are aware of. In
18 that particular area, and unfortunately,
19 throughout the County, there aren't many
20 areas that we can place a home of this
21 nature. It is becoming very, very
22 difficult. The New York State CARES
23 Program -- there is a five year waiting
24 list. I am not sure if you are familiar
25 with New York State and the Governor has

1 committed to getting that list down to zero
2 and placing each person on the waiting list
3 in a residential type facility, and we are
4 trying our best to fit the Governor's plan
5 into accommodating people that are on our
6 waiting list, but it is becoming
7 increasingly difficult, number one, to find
8 property that meets the State regulatory
9 guidelines that's out there, and also
10 trying to do the right thing for the
11 community.

12 That's the one thing we have
13 always tried to do, is do the right thing
14 for the community that we are in. It is
15 pretty tight.

16 If you go far east, then you run
17 into problems with staffing. How do you
18 staff the programs out there? So...

19 MR. MURPHREE: What size building with six
20 people living there? What do you base the
21 size of the house on?

22 MR. DEBESTER: This is considered a barrier-free
23 house, so it has to accept wheelchairs. It
24 is going to be on ground level. It is a
25 two-story building. There is a living area

1 up here where a staff person would go and
2 relax for a little while, so that is a
3 little separate, quiet area where somebody
4 can go and just get away for a little bit.

5 MR. MAC LELLAN: Will that be a separate apartment
6 or just a room?

7 MR. DEBESTER: It is not an apartment, but it is
8 a place where they can go and be by
9 themselves, and they have a wet bar, so
10 they might be able to get a drink, or a
11 coke or something, but it is not a complete
12 apartment.

13 The first floor has got a
14 kitchen, living room, den. It has got an
15 office space for the nursing staff and four
16 bedrooms that would accommodate six people.
17 There are two bathrooms, one with a therapy
18 set-up shower, and one with a regular
19 shower, a roll-in shower and each with a
20 toilet.

21 There is a laundry room. It is a
22 residential facility.

23 MR. RIGANO: The parcel is one acre in size?

24 MR. DEBESTER: Yes, it is.

25 MR. RIGANO: Do you know how much of that acre

1 would be cleared for the building?

2 MR. DEBESTER: We had our architect look at it,
3 and it met the setback criteria and the
4 clearing criteria for the Town.

5 MR. RIGANO: Do you know what percentage of
6 the property would be covered?

7 MR. DEBESTER: It would be less than an acre.

8 MR. RIGANO: Is it something that you would be
9 able to look into?

10 MR. DEBESTER: I could get you very specific
11 information definitely.

12 MS. CARTER: There was something submitted
13 with the application, but it doesn't
14 mention the dimensions of the lot.

15 MR. DEBESTER: It is another site that we are
16 developing, but it is the same footprint,
17 which is why we submitted that. It is the
18 footprint of the building identically.

19 MR. MURPHREE: It is in the clearing limits?

20 MS. CARTER: It does say an area to be left
21 natural, but this is not the lot we are
22 talking about because it has the edge of a
23 farm field on it.

24 MR. MURPHREE: There is a circular type driveway
25 in front of the house.

1 MR. DEBESTER: Yes, and this facility wouldn't
2 have that configuration. The picture there
3 is showing a flag lot, and that's the only
4 way that you can get that traffic in and
5 out.

6 MR. MURPHREE: Do you have a plot plan?

7 MR. DEBESTER: We don't have a specific site
8 plan for this property yet, no. That's why
9 we submitted that for the footprint.

10 MS. PRUSINOWSKI: I think we need to see that
11 because if the zoning is A-5, the clearing
12 limit as it is is twenty percent, which
13 gives them about an eight thousand square
14 foot clearing area, and the building is
15 forty-five hundred square feet, it gives a
16 very small amount for parking around the
17 house. I think the Commission needs to see
18 the proposed plot plan.

19 MR. DEBESTER: We can do that.

20 MR. RIGANO: You haven't been to the Town of
21 Brookhaven for any approvals or anything
22 like that yet?

23 MR. DEBESTER: No, we haven't.

24 MR. RIGANO: How many individuals would reside
25 there?

1 MR. DEBESTER: Six.

2 MR. MAC LELLAN: Obviously, you have twenty-four
3 hour personnel or staff there?

4 MR. DEBESTER: Correct.

5 MR. RIGANO: How many nonresidents would be
6 present over the course of the day?

7 MR. DEBESTER: Depending on the shift, it could
8 vary. Typically, we hire about ten
9 employees for a facility of this size to
10 cover weekends, nights, and day and evening
11 shifts. That may get split up where there
12 is three people on one shift, two people on
13 another and two people on another, a lot of
14 part-time; but the number of people we hire
15 for a house of this size is typically ten.

16 MR. RIGANO: In terms of the number of staff
17 that would be present at any one time, it
18 would be two or three?

19 MR. DEBESTER: I would say maximum would be
20 three to four.

21 MR. RIGANO: There are a number of hardship
22 criteria that the Commission has to
23 consider based on your application, and I
24 would like to run through the criteria with
25 you and raise the criteria, and then have

1 you respond as to the criteria.

2 Perhaps, I can just give you a
3 list of nine different elements from the
4 criteria in the statute, and perhaps I
5 could run through the nine requirements. I
6 will just read them off, and you will know
7 what the nine criteria are, and then we can
8 take each one at a time. I am summarizing.

9 Under Section 57-0121-A,
10 Subsection B and C are as follows:

11 First, that the development has
12 to serve an essential health and safety
13 need of a municipality.

14 Second, that the public benefits
15 have to override the importance of the
16 protection of the core area.

17 Three, the use is required to
18 serve an existing need of residents.

19 Fourth, that there is no feasible
20 alternative that exists outside the Core
21 Preservation Area and no better alternative
22 exists in the County.

23 Fifth, that the proposal is not
24 materially detrimental or injurious to
25 other properties in the area.

1 Sixth, that there is no increased
2 danger of fire.

3 Seven, that public safety will
4 not be endangered.

5 Eight, that it will not result in
6 a substantial impairment to the resources
7 of the Core Preservation Area; and

8 Ninth, that this is the minimum
9 relief necessary to relieve the hardship.

10 If we can go back to those nine
11 items, going back to the first one, that it
12 serves an essential health and safety need
13 of a municipality, and you might start by
14 mentioning or elaborating on your
15 commentary earlier regarding Governor's or
16 State's policy with regard to these type
17 facilities.

18 MR. LOMBARDI: About two years ago, Governor
19 Pataki came out with the New York State
20 CARES policy where he committed to reducing
21 the waiting list for people with
22 developmental disabilities and mental
23 retardation within the next five years.

24 The waiting list is pretty
25 extensive, especially on Long island and

1 Suffolk County.

2 This program falls into the New
3 York State CARES funding cycle, so it was a
4 need that was identified by the State, and
5 there was a call to arms for agencies like
6 ours to relieve some of the burden on these
7 families that are out there and have many
8 of these children living at home, and we
9 have done that.

10 I think based on that, I think
11 that it shows that it serves a public need
12 as far as a health and safety need.

13 MR. DEBESTER: Also, it gets these individuals
14 from institutional type settings to a more
15 residential type setting, and it creates a
16 good, safe environment for them and gives
17 them a better opportunity to live like you
18 and I do.

19 MR. RIGANO: Turning to the second element,
20 that the public elements override the
21 importance of the protection of the core
22 area. The statute provides that the
23 protection of habitat to the Core
24 Preservation Area and the protection of
25 groundwater are critically important.

1 So, in order for your benefits to
2 override the benefits of the core area, you
3 have to override those benefits. Is this a
4 public benefit that is critical?

5 MR. DEBESTER: I think an alternative to a
6 facility like this would be institutional
7 type settings, which certainly would cost
8 us a lot more to take care of these people.
9 This provides them with a better means of
10 living, a more normal means of living at a
11 much lower cost to the taxpayer.

12 It is a residential site, not
13 that it is using any natural resources
14 unnecessarily or polluting unnecessarily.
15 It is a basic residential facility like
16 others in the area.

17 MR. RIGANO: You distributed a brochure on the
18 services that are provided. Would you like
19 to mark this as an exhibit?

20 MR. DEBESTER: Absolutely.

21 [WHEREUPON BROCHURE WAS MARKED APPLICANT'S
22 EXHIBIT 1 IN EVIDENCE.]

23 MS. PRUSINOWSKI: You mentioned that the residents
24 of this facility are on a list. I wonder
25 how the residents are selected.

1 MR. LOMBARDI: The residents of this program are
2 not on a waiting list. However, they will
3 free up six spots for people that are on a
4 waiting list.

5 Basically, these six individuals
6 are young adults who are living in a
7 nursing home that we developed for elderly
8 people with developmental disabilities.
9 So, their needs are totally different from
10 those of the geriatric population. We need
11 to get them out of there, and we do have
12 other elderly individuals that are less
13 medically involved that need to get into
14 those slots, that need to get into these
15 facilities.

16 They are living at home with
17 their parents who are really old, maybe
18 ninety, and they are looking for places for
19 these individuals.

20 MS. PRUSINOWSKI: Are the places within this
21 community?

22 MR. LOMBARDI: Within the community, owned and
23 operated by GHL.

24 MR. RIGANO: The third item is the use is
25 required to serve existing needs of the

1 residents, and of course, you can interpret
2 residents as being residents of the Town of
3 Brookhaven or the County of Suffolk.

4 Can you speak to how the proposed
5 use is required to serve the existing needs
6 of the residents of the Town and County?

7 MR. DEBESTER: These six individuals are coming
8 from the Pine Street facility in East
9 Moriches, which is in the Town of
10 Brookhaven. Again, it does improve their
11 quality of life and frees up six more spots
12 for other residents of, I am sure, Suffolk
13 County to have housing.

14 MR. MAC LELLAN: Where are these clients from
15 prior to being at the nursing home?

16 MR. DEBESTER: I don't know. We can get you
17 that information.

18 MR. LOMBARDI: You are talking about the ones
19 that are currently 9--

20 MR. MAC LELLAN: [INTERPOSING] The ones that are
21 going to move out to this site.

22 MR. LOMBARDI: Some of them are living at home
23 with their parents, others are from other
24 sites that are more medically involved.

25 MR. MAC LELLAN: Still in Suffolk County?

1 MR. LOMBARDI: Yes.

2 MR. RIGANO: The fourth item is no feasible
3 alternative exists outside of the Core
4 Preservation Area, and there is no better
5 alternatives that exist within Suffolk
6 County.

7 MR. DEBESTER: Again, we have looked at parcels
8 within the proximity. It needs to be close
9 to the other facilities, as I mentioned,
10 and we have looked at a lot of other
11 facilities. Any land that's available
12 that's one acre in size that we can find
13 has pretty much been between two-and-a-half
14 to three times more to purchase than this
15 property.

16 MR. LOMBARDI: As I said before, we are open to
17 any suggestions, any other sites that are
18 the same size, same price, but we have been
19 unable to locate it.

20 MS. PRUSINOWSKI: What is the process for your
21 search? Do you engage a real estate agent?

22 MR. DEBESTER: I have numerous real estate
23 agents working for me. As a matter of
24 fact, there was a piece of property on the
25 corner of North Street and Wading River

1 Road with a house, and then there is a
2 piece of land that is L-shaped around it
3 which comes to an acre, and that's selling
4 for twice what this piece is, and you will
5 have a hard time putting a house on it
6 because of its shape.

7 MR. RIGANO: The fifth element, that the
8 proposal would not be materially
9 detrimental or injurious to other
10 properties in the area.

11 MR. DEBESTER: I don't know how to answer that.

12 MR. RIGANO: Do you anticipate that it would
13 be detrimental or injurious to other
14 properties in the area?

15 MR. DEBESTER: I can't imagine that it would.

16 MR. RIGANO: Do you imagine that it would
17 increase the injury due to fire in the
18 area?

19 MR. DEBESTER: Not at all. There are other
20 residents right there. I think GHL takes a
21 lot of pride in the Safety Codes, and this
22 house will be built to the appropriate Life
23 Safety Codes.

24 MR. LOMBARDI: We have extremely -- I don't want
25 to say bureaucratic regulations that the

1 State imposes on us -- but they are
2 exceptionally in-depth, and there are all
3 kinds of regulatory requirements.

4 MR. DEBESTER: The building will have solid
5 corridors, a wet sprinkler system, and the
6 other residences in the area I am sure
7 don't have that, and again, we are
8 responsible for the health and safety of
9 these individuals, and they are monitored
10 twenty-four hours a day. I don't believe
11 that the increase of fire is a reality.

12 MR. RIGANO: The final criteria is whether
13 this is the minimum relief necessary that
14 is required.

15 In other words, is there some
16 other proposal that would result in less
17 clearing or less difficulty to groundwater
18 as a feasible alternative?

19 MR. DEBESTER: Because it is a barrier-free
20 facility, the reasonable square footage has
21 to be on one level. We have got the
22 minimum footprint that we could find to
23 comfortably care for six people and manage
24 them in the facility. I think we are doing
25 the best we can as far as keeping it as

1 contained as we can.

2 That was the only criteria we
3 gave to the architect.

4 MR. RIGANO: I have nothing further.

5 MS. PRUSINOWSKI: May I say something?

6 MR. MURPHREE: Absolutely.

7 MS. PRUSINOWSKI: In regard to the last item, I
8 believe the Commission needs to see a plot
9 plan in order to determine, from its
10 perspective, maybe it will be the minimum
11 relief, maybe a relaxation of clearing is
12 necessary.

13 MR. RIGANO: The two things that I have on my
14 list that you were going to provide was a
15 site plan that would show the amount of the
16 clearing on the property, and second is
17 where the clients are from.

18 MR. DEBESTER: Yes. When you say where the
19 clients are from, we know where the six
20 clients are from now. Do you mean where
21 they are originally from prior to being in
22 the nursing home?

23 MR. RIGANO: Jeff, that was actually your
24 question.

25 MR. MAC LELLAN: It was actually my question.

1 IGHL has -- I don't know about the other
2 Towns, but in the Town of Riverhead you
3 have taken very good care of your
4 properties, but this whole thing seems to
5 be a sore spot in a lot of Towns. Nothing
6 against you guys, just in general.

7 We are constantly concerned that
8 we are taking care of our residents,
9 Suffolk County residents, and it would be
10 kind of trite of us to say "Well,
11 Southampton, Brookhaven, Riverhead, we are
12 all supposed to be living together," but if
13 somebody is coming from Nassau County or
14 further, that is a problem because the
15 County is picking up some of the expenses.

16 Other than that, there is no
17 reason to ask that question.

18 MS. PRUSINOWSKI: I think it goes to the issue of
19 benefit to the community as well.

20 MR. MAC LELLAN: If we are benefitting our
21 residents, fine.

22 MR. DEBESTER: To clarify. Are you interested
23 in the origin of these six individuals
24 prior to their placement in the nursing
25 home?

1 MR. MAC LELLAN: That depends on how long they
2 have been in the nursing home.

3 MR. LOMBARDI: They have been there for quite
4 some time. We will get you that
5 information.

6 MR. MAC LELLAN: That's not going to make or break
7 the issue, but it is a consideration.

8 MR. MURPHREE: Does the Commission have any
9 other questions?

10 Being none, shall we open it to
11 the public?

12 MR. AMPER: My name is Richard Amper. I am
13 the Executive Director of the Long Island
14 Pine Barrens Society.

15 As noble as this project is, I
16 don't see how it conforms to the compelling
17 public need in the statute. There is no
18 compelling need to do this activity in the
19 Core Preservation Area. In fact, the only
20 one that has been offered is the price of
21 the land. The only argument that we hear
22 as to why they want to do this here as to
23 where the statute intended development to
24 occur is the price of the property, and I
25 think the Commission would want to be very

1 careful not to be granting hardship
2 exemptions on the basis of the price of the
3 land.

4 If it is inexpensive land, the
5 County ought to be buying it and it ought
6 to be preserved. In order to compare these
7 kinds of activities to the compatible
8 growth area, and indeed this Commission
9 rejected the argument by the Dioceses of
10 Rockville Centre some years back, that
11 providing religious services, a place for
12 religious services is, in the Core
13 Preservation Area as a compelling need, and
14 convinced the church to use the property
15 that had already been disturbed in order to
16 -- as a rationale for the property to be
17 granted -- for the application to be
18 granted.

19 This ecosystem was to be
20 preserved according to the Governor and the
21 State of New York.

22 If we say we are dealing with a
23 care facility, we will effectively, if we
24 grant this hardship, attract this kind of
25 business to the Core Preservation Area, not

1 something I thought the statute, nor the
2 Commission wanted to do.

3 The challenge to these people is
4 to find an acre of land where there is
5 infrastructure close to their facility, and
6 the entire compatible growth area was
7 designed for this purpose. That's where
8 people live, that's where staff members who
9 may work there will reside.

10 There is not to be an increase in
11 population in the infrastructure of the
12 Core Preservation Area as designed. This is
13 not a very compelling excuse to go in
14 there, and I can't help but imagine if we
15 decide if the basis of the business or the
16 development is noble enough, that that
17 permits you to violate the intent of the
18 law with respect to the Core Preservation
19 Area, you are going to have a bunch of
20 these things.

21 If it is not a nursing home, a
22 home for mentally retarded -- these are all
23 very good purposes, and there is a need --
24 but is there a compelling need to do it in
25 the Core Preservation Area, or is there

1 adequate property and opportunity to do
2 this someplace else, and I would certainly
3 not want to hear the land in the Pine
4 Barrens is cheaper, so we ought to grant
5 these exemptions because we don't want to
6 impose a hardship on people to spend more
7 money.

8 I think it is a very noble cause,
9 but I think it is not the intent of this
10 Act to grant hardship exemptions on the
11 basis of the nobility of the intent, and it
12 is especially not the intention of the
13 compelling public need hardship to conclude
14 that there is a compelling public need to
15 do anything anywhere.

16 There needs to be a compelling
17 public need to do this in the core area of
18 the Pine Barrens. I don't think they have
19 made that case.

20 MR. MURPHREE: Is there anyone else from the
21 public that wishes to comment on this
22 application?

23 MS. PRUSINOWSKI: Are there other facilities that
24 are either under construction or in the
25 planning stage within, say, a five to ten

1 mile radius?

2 MR. DEBESTER: No.

3 MR. MURPHREE: Since there are no other public
4 comments, do I have a motion to close the
5 public hearing, but keep the record open
6 until September 5th -- until the deadline
7 of October 12th?

8 MR. MAC LELLAN: So move.

9 MS. PRUSINOWSKI: Second.

10 MR. MURPHREE: I have a motion and a second.
11 Those in favor signify by saying aye.

12 Opposed, abstentions?

13 [WHEREUPON THE MOTION MADE AND SECONDED WAS
14 VOTED ON AND CARRIED.]

15 MR. MURPHREE: Motion carried. Anything else
16 from any of the Commission members?

17 If not, the hearing is closed.

18 [WHEREUPON THIS HEARING WAS CLOSED AT 5:05
19 P.M.]

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COMMISSION'S EXHIBITS MARKED IN EVIDENCE

Exhibit 1:	Exhibit Cover Sheet	Page 8
Exhibit 2:	Staff Report dated 8/8/01	Page 8
Exhibit 3:	1999 aerial photo	Page 8
Exhibit 4:	Same as 4 with parcel in red	Page 8
Exhibit 5:	Panoramic photograph	Page 8
Exhibit 6:	Same as 5 showing vegetation type	Page 8

APPLICANT'S EXHIBITS MARKED IN EVIDENCE

Exhibit 1:	Brochure	Page 25
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LIST OF ITEMS TO BE PRODUCED

Percentage of property to be covered	Page 19
Proposed plot plan	Page 20
Where clients are from	Page 27

CERTIFICATION

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK)

I, SHEILA PARISER, R.P.R., a Notary Public in
and for the State of New York, do hereby certify:

THAT this is a true and accurate record of
the Hearing held before the Central Pine Barrens
Joint Planning and Policy Commission, in the matter
of IGHL, c/o FRANK LOMBARDI, held on August 8, 2001,
as reported by me and transcribed under my direction.

IN WITNESS WHEREOF, I have hereunto set my
hand this 25th day of August, 2001.


SHEILA PARISER, R.P.R.