

In the Matter Of:  
JOSEPH F. GAZZA CORE PRESERVATION AREA  
HARDSHIP WAIVER APPLICATION

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CENTRAL PINE BARRENS  
PLANNING & POLICY  
COMMISSION  
PUBLIC HEARING  
September 16th, 2020

CENTRAL PINE BARRENS  
PLANNING & POLICY  
COMMISSION  
VIA ZOOM VIDEO CONFERENCE  
September 16, 2020  
3:00 p.m.

(Whereupon, this portion of the proceedings began at 3:00 p.m., after which the following transpired.)

CHAIRWOMAN GALLAGHER: The Commission members are Carrie Meek Gallagher for the State of New York, Jay Schneiderman for the Town of Southampton, Ed Romaine for the Town of Brookhaven, Yvette Aguiar for the Town of Riverhead and Dorian Dale for the County of Suffolk.

MS. PINES: I just want to say -- this is Emily Pines -- Ed has a little emergency, so I will be sitting in as his delegate until he returns.

MS. HARGRAVE: Should I briefly go through the staff report and then the applicant is present and would like to make a brief presentation also.

Again, this is almost 59 acres in the Core Preservation Area in Manorville. The site is two noncontiguous parcels separated by the

Central Pine Barrens Joint  
Planning & Policy Commission

SEP 29 2020

## Central Pine Barrens Joint Planning & Policy Commission

<p>1</p> <p>2 Long Island Expressway, both are in</p> <p>3 the Core Preservation Area. The</p> <p>4 northern parcel has frontage on Mill</p> <p>5 Road and the southern parcel has only</p> <p>6 the highway road frontage. The site</p> <p>7 is entirely wooded with Pine Barren</p> <p>8 vegetation and habitat.</p> <p>9 The applicant purchased the</p> <p>10 property last year in 2019 with the</p> <p>11 intention to sell the property for</p> <p>12 Open Space Acquisition to a public</p> <p>13 agency. And we've been informed that</p> <p>14 the Town Of Brookhaven and the County</p> <p>15 are in the process of this potential</p> <p>16 acquisition, but the applicant is</p> <p>17 proceeding with this application at</p> <p>18 this time, so we are processing it</p> <p>19 accordingly.</p> <p>20 The applicant has stated he owns</p> <p>21 over 13 Pine Barren credits, so he</p> <p>22 does not seek to obtain Pine Barrens</p> <p>23 credits on this property. He has no</p> <p>24 use for them as he has expressed in</p> <p>25 this application.</p>	<p>5</p> <p>1</p> <p>2 The Commission has the packet.</p> <p>3 And in the packet there is a</p> <p>4 subdivision map as an exhibit. I'll</p> <p>5 go through the exhibits. And the</p> <p>6 applicant has also received the staff</p> <p>7 report with exhibits.</p> <p>8 There is a map to regulate fresh</p> <p>9 water as well as habitat into the west</p> <p>10 side of the site. That site is also</p> <p>11 habitat for New York State listed</p> <p>12 endangered species, the Wetland</p> <p>13 Endangered Species Regulations, that</p> <p>14 would apply in this case. And the</p> <p>15 applicant would need to obtain permits</p> <p>16 pursuant to those regulations and</p> <p>17 submit hereto any regulatory permits</p> <p>18 to protect the species and their</p> <p>19 habitat. There's also the Federal and</p> <p>20 the State list of threatened species</p> <p>21 on the property.</p> <p>22 The subdivision is situated --</p> <p>23 I'm sorry -- go to the study area</p> <p>24 description, there is a subdivision to</p> <p>25 the west side of the property and</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>6</p> <p>8</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>1 to public owned or operated park land 2 and designated open space. The 12-lot 3 subdivision with the 13 lots of open 4 space meets the 25 percent threshold. 5 6 And 617.4(b)(5)(II), regarding 7 50 units not connected to public 8 water, the Town Code also has its own 9 Type 1 list. And it serves to meet 10 that as well since it is in two 11 officially designated Critical 12 Environmental Areas; the Central 13 Suffolk Pine Barrens and the Central 14 Suffolk Special Groundwater Protection 15 Area. 16 17 The alternative proposal to 18 develop the single-family residence is 19 a Type II Action pursuant to SEQRA. 20 But it also requires a Core 21 Preservation Area Hardship. It is not 22 on -- the parcel is not on the road 23 for an exemption list. 24 And as far as permits, the 25 project would need DEC permits with the health department approvals. The</p>	<p>1 package that were on the regular 2 meeting that haven't been addressed 3 yet. And I wanted to point out that 4 the -- there was a written comment 5 submitted to the Commission on this 6 application. And, I apologize, I got 7 back to the person who requested or 8 submitted comments. Marisa was her 9 name. She was a resident in the 10 adjacent subdivision. And I'm not 11 sure if she's present today to speak, 12 but we did get a comment from her that 13 she was opposed to the project. 14 15 MR. PAVACIC: We also have the 16 applicant. 17 18 MS. HARGRAVE: Oh, yes. And 19 just to complete my Staff Report, 20 there are items at the end of the 21 Staff Report including the SEQRA 22 determination and reviewing the 23 applicant's responses to the Hardship 24 criteria and a conformance with the 25 Workforce Housing requirements. And, again, the applicant is</p>
<p>10</p> <p>1 Town Of Brookhaven permits, including 2 Tree Clearing, Stormwater, Well, 3 Subdivision and Building permits. The 4 project does not provide information 5 on conformance with the Long Island 6 Workforce Housing Act that may require 7 at least one more lot or payment in 8 lieu of or a reduction in it to avoid 9 conformance with that Act. 10 11 And in 2019, the applicant 12 applied for a Letter of Interpretation 13 or Pine Barrens credits and again the 14 total number of credits divide the 15 property to 9.45 credits not including 16 the overlap portion. 17 18 There are prior decisions on 19 similar matters in the Commission's 20 record including two approvals for 21 Core Hardship for subdivision 22 approximately of this size in 1994 and 23 1995. And on one Core Hardship, 24 another applicant was withdrawn and 25 another one was disapproved in 1994. There are SEQRA documents in the</p>	<p>12</p> <p>1 present to make a presentation. 2 Do you have any questions so 3 far? 5 5 CHAIRWOMAN GALLAGHER: Thanks, 6 Julie. 7 7 John, are you going to continue 8 to move things along? 9 9 MR. PAVACIC: Next would be the 10 applicant, Joseph Gazzza. 11 11 MR. GAZZA: May I start? 12 12 CHAIRWOMAN GALLAGHER: Yes. 13 13 MR. GAZZA: My name is Joseph 14 Fredrick Gazzza. 15 15 I reside at 5 Ogden Lane in 16 Quogue. 17 17 I'm the owner of the property 18 that's before you today. That's 19 approximately 70 acres. 20 20 I appreciate the opportunity to 21 address the Commission. I wish I 22 could have done it in person, but 23 maybe that will happen in the future. 24 24 I'd like to thank John Pavacic 25 and Ms. Hargrave for doing an</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	13  1 excellent job in telling my whole 2 case. You don't leave me very much to 3 say, but I can give you a little 4 background on my acquisition, why I 5 bought it. And it will just take a 6 few moments and just to give you a 7 little heads up.  The property as was stated, 70 8 acres, and it's cut in half by the 9 expressway between the Exit 70 and 71. 10 It has all wooded lands all around it, 11 mostly owned by either the State or 12 the County. And there's just a little 13 development to the west side, called 14 the Doe Run development, and a little 15 development to the north. But 16 everything else in this whole area is 17 municipally preserved lands.  This is a map that shows -- the 18 dark shaded land is either all the 19 County or the State, but there's even 20 more parcels now. And the two little 21 pink parcels, those are my combined 70 22 acres of land. There's 33 and a half 23 acres of land. There's 33 and a half 24 acres of land. There's 33 and a half 25 acres of land. There's 33 and a half	14	15
	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	14	16

1	17	1	19
2		2	the development is something that
3	acquisitions of these important	3	would be permitted under Brookhaven
4	properties. And I recognize that it's	4	zoning -- and I said, I'll cluster it.
5	important property for acquisition,	5	I'll bring all the lots up close to
6	but that's out of my reach. And with	6	the road, I'll protect the area along
7	no money available from -- I wrote to	7	the sides to the expressway, I'll
8	every agency, I called every agency.	8	allow the land to be -- my land -- to
9	I'm -- I'm pushed into the corner, so	9	be connected to the Town, the County
10	to speak. And that's why I am	10	land to the west and the State land to
11	appearing before this Commission and	11	the east to bring a connection about.
12	going through this Extraordinary	12	I thought I would do all the right
13	Hardship application. I don't know	13	things that a cluster is supposed to
14	what else to do at this point.	14	do. But reading the reports, nobody
15		15	even likes the cluster.
16	If -- if government is not going	16	So my engineer -- I spent over
17	to purchase my property -- I have to	17	\$2,800 drawing up the cluster map. I
18	have some use -- some -- some use for	18	might as well have opened up the
19	this property. You can say that I	19	window and throw the money out the
20	have the Pine Barren credits -- I can	20	window because -- I don't think it's
21	get the credits -- but I have a whole	21	going to be palliable for your
22	pile of credits already. I have 14	22	Commissioners to say yes to a cluster
23	Pine Barren credits, some of them go	23	map. And the Type 1, classifying it
24	back 10 years. Okay. I have 16 Town	24	is a debt mill for that type of an
25	of Southampton credits, some of those	25	application.
1	18	1	20
2	and I took a chance on credits, but	2	
3	it's not working out that well.	3	
4	I think the best thing that	4	
5	could happen to me is if I was given	5	
6	just some small use for my property.	6	
7	I know that asking for a 12-lot	7	So I stepped back and I said,
8	subdivision is a lot. I recognize	8	"What can I possibly do to get just a
9	that. I recognize that when we were	9	little reward from my \$405,000 in the
10	-- I met with the Commission about	10	year and a half of my life that I
11	publishing this hearing -- I was --	11	spent on this land?"
12	when the application was declared a	12	It's beautiful land, it's all
13	Type 1 Action. I know what Type 1	13	wooded. The wetlands are on the
14	Action means. I mean -- that means	14	subdivision next to it. I don't think
15	it's a significant impact, it means an	15	there's any wetlands on this property.
16	Impact Statement. It's a trap for a	16	My surveyor said there was no wetlands
17	developer, an investor.	17	on the property. It doesn't show on
18	To get out of a Type 1, it's not	18	my survey maps.
19	easy. And I don't know if I have even	19	But I need something. I need a
20	been successful no matter how hard I	20	little bit of use. If there's not
21	tried. I'd be up against all the	21	going to be money to buy it, you got
22	people who don't want to see this	22	to give me something. And I felt that
23	develop. And, you know, what could I	23	if I asked for a one single-family
24	do? They have all the cards. So I	24	dwelling -- and the idea came to me
25	step back and I said -- even though	25	because I received information from

<p>1 ride their horses around. And I am in  2 communication with a woman in West  3 Hampton -- Janice -- and Janice has  4 been working with me and she said, "I  5 think I could find you a buyer for  6 your property if you could have a  7 house, with a barn and a ring where  8 they could ride the horses." And she  9 said, "We can do this on just a couple  10 of acres of property." And she said,  11 "I think I can find you a buyer."</p> <p>12 So if I could recoup my  13 investment -- and I've been working  14 with the horse people, we came up with  15 a plan. Of course, we know that this  16 was the 12-lot cluster plan, which I  17 know no one likes. Okay. So we came  18 up with an alternate plan -- look,  19 Julie hasn't presented this to you  20 yet. I only gave it to her this  21 morning because we have been working  22 on it.</p> <p>23 But what we've done is we have  24 taken a five acre lot out of the 70</p>	<p>1 petition, got the decision. No  2 change. I went back, I argued with  3 them orally -- like, you can't see  4 them anymore -- they said, "We are  5 valuing the property as a five acre  6 residential zone property." I said,  7 "It's in the Pine Barren Core. I  8 can't develop it." They says, "Well,  9 we don't know that." I gave them a  10 copy of the code. I said, "The code  11 says that it has to be preserved."</p> <p>12 It's supposed to be for aquifer  13 protection, the land is supposed to  14 remain in its natural state. I can't  15 cut down one tree. If I cut down one  16 tree, it's considered development, and  17 development is prohibited in the Core.  18 I showed them the law. I showed them  19 Article 57. They said, "Nope. We are  20 not buying it." I said, "What do you  21 want me to do?" They said, "Bring us  22 something from the Pine Barrens that  23 you can't use your property. Bring us  24 a letter. Bring us something."</p>
<p>1 acres and we -- I presented a house, a  2 -- I don't know if you can see this or  3 not -- it's just cutting out five  4 acres from the 70 and putting a horse  5 barn, corral and a home. And I did  6 two different layouts. And if you can  7 see, they front up onto Mill Road and  8 they're right next to the development  9 next door. So I'm pushing all the --  10 the development of the 70 acres up to  11 the north westerly five acre corner.  12 And if I could just get that, I could  13 get something from this land. Unless  14 government is going to come up with  15 some money -- I have to have  16 something.</p> <p>17 Now, I've also -- I have been  18 struggling with the assessors in the  19 Town Of Brookhaven. I asked for tax  20 relief on the property. I said,  21 "\$27,000 a year, every year is  22 absurd." They said, "File a  23 grievance. Do a petition."</p> <p>24 I filed a grievance, did my</p>	<p>1 I reached out first to  2 John Milazzo, your counsel, he said,  3 "I don't think that the Commission is  4 going to give you anything, but that's  5 just my opinion." He says, "I'm  6 certainly not giving you anything."</p> <p>7 I don't know if the Commission  8 is going to give me anything. I don't  9 know if the Commission would even  10 consider giving me anything. It's --  11 it was so sad for me to see  12 Mrs. Hendricks, who had to pay taxes  13 her whole life for Pine Barren Core  14 and nobody stepped up to help her.  15 She had two attorneys. They didn't  16 understand the Pine Barrens, the  17 rules, the regulations. They were in  18 Manhattan. The taxation just drained  19 all the money from this woman. How  20 can the Town and the Pine Barrens  21 Commission, the State -- you know this  22 is Core land -- how can you tax it as  23 buildable residential lots or acreage?  24 Whatever the zoning was -- something</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	25  five -- it's just unconscionable.  And now, I'm in the same position as Hendricks. I paid the \$27,000 this year. So I'm in the Hendricks trap. I own land that is in the Core, I can't use it, I can't develop it.  I am appearing before you as an Extraordinary Hardship. The test for the Extraordinary Hardship -- can I prove that there is no other use? Your regulations show that. It says, no use. Your regulations say, no disruption of vegetation. How can you do something with land if you can't cut down one tree? I mean, you can preserve it for drinking water, but that's not any use for me. That's a use for the public. And a use for the public has to be compensated by the public. And that's not happening. And I'm in a tight spot. I'm backed into the corner, I'm stuck with the taxes. I own the land and I'm	26	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	27  Small Claims Assessment Review petition with your assessment? MR. GAZZA: I did. MR. ROMAINE: You did. Who hears those cases? Not the assessor. MR. GAZZA: Not the assessor. There's a Board. MR. ROMAINE: No. Wrong again. Who hears the Small Claims Assessment Review petition? MR. GAZZA: I filed a grievance petition. MR. ROMAINE: Right. And once you file a grievance and it's denied, then you can file a Small Claims Review petition. MR. GAZZA: I did not do that. MR. ROMAINE: So look, that is common knowledge. MR. GAZZA: Well, my discussion -- MR. ROMAINE: (Interjecting) -- do you know where they are filed, sir?	28
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	26	27	28	

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>are out of money, we are voting to purchase your land tomorrow. We are in a deal with the County. We are coming up with our money tomorrow night at our Town Board meeting.</p> <p>Did you know that, sir?</p> <p>MR. GAZZA: I did not know that.</p> <p>MR. ROMAINE: My strong suggestion is to speak to our County attorney. You paid \$400,000 for this. I happen to know -- I'm not discussing it with you, that's the County's major partner -- you will be considerably made more than whole. So I'll just point out those facts to you.</p> <p>However, if you want to proceed, I am happy to let you proceed and file SEQRA that is so necessary for this process.</p> <p>MR. GAZZA: The application for a single-family dwelling would be a Type II, and the necessity for a -- the SEQRA review would be much less. In the event that the purchase does</p>	<p>29</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>under SEQRA, that sounds as an alternative. So the pos dec [sic] would be granted on the 12-lot subdivision. One of the things under the pos dec that we can consider as an alternative would be a single-family house.</p> <p>MR. GAZZA: Okay. That's fine.</p> <p>MR. MILAZZO: I will withdraw your application for the reason it being for the 12, then you can argue about your Type II.</p> <p>But right now before the Commission is a 12-lot subdivision with an alternative of one lot. So this SEQRA which is proposed is suggested by staff as being a pos dec. It would stay and there hasn't been action on that yet, just to clarify that with the Supervisor.</p> <p>So it's still a 12-lot subdivision that's still a Type 1 Action. We have the research of why it is a Type 1 Action.</p>	<p>31</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>not materialize -- then I have been waiting for over a year for a purchase to materialize -- and it hasn't happened. No one has made me a written offer.</p> <p>Might I continue with that application, Mr. Romaine?</p> <p>MR. MILAZZO: Hi, Joe. It's John Milazzo. How are you?</p> <p>First, I want to know how you have three hands when you are holding up the documents for the record.</p> <p>Has your application been revised? Has your application been revised? Are you seeking only one house or are you still seeking the 12?</p> <p>MR. GAZZA: No. No. I asked for 12 and then the alternative. I asked for a single-family dwelling with a barn for a horse family as an alternative if the Commission has found that there was no chance at all for the 12-lot division.</p> <p>MR. MILAZZO: Okay. Joe, so</p>	<p>30</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>So if you're going to maintain that 12-lot application, it's subject to Type 1. And probably -- I think your recommendation -- I think is for the pos dec. The Commission would do that at the end of the hearing.</p> <p>We have some questions with respect to the Hardship. Under the law, the statute requires a certain showing, and Grace is going to go through those now. And we -- so if you can just answer these questions, which you know.</p> <p>MS. REVELLO: So you already addressed about the beneficial use of the land, but if you can just list for the record the three elements underneath that. So that's 57-0121, Section 10(a), and there's a I, II, II under that.</p> <p>MR. GAZZA: Okay.</p> <p>MS. REVELLO: So -- do not apply or affect other property in the immediate vicinity --</p>	<p>32</p>

1  
2           MR. GAZZA: I'm looking at the  
3       121, 10(a). It says:  
4           Subject property does not have  
5       any beneficial use except for water  
6       shed protection.  
7           Is there a dispute about that?  
8       Or what else is the use?  
9           MR. MILAZZO: But, Joe, you have  
10      to show the standards, right? So the  
11      text on the law is you have to show it  
12      under those three elements, which  
13      Grace just read to you.  
14           (Whereupon, there was inaudible,  
15      indecipherable cross-talk among the  
16      parties present.)  
17           MR. GAZZA: I expressed that if  
18      development constitutes removing even  
19      one tree -- it's very difficult to  
20      develop a piece of property if you  
21      can't remove any vegetation.  
22           Therefore, it's use is for watershed  
23      protection and there's no development  
24      under the Core, the rules allowed;  
25      that would be the first one.

1           don't own anything else in Brookhaven.  
2       This is just an isolated track 70  
3       acres that I purchased. It's a single  
4       and separate parcel. I have no -- no  
5       idea of what use municipal acquisition  
6       does not occur other than a  
7       single-family dwelling. Since the  
8       division is going to be withdrawn for  
9       12-lot because I know that that is a  
10      Type 1 and I'm not going to fight --  
11      I'm not going to do an Impact  
12      Statement. I'm not going to be able  
13      to prove to the satisfaction of the  
14      environmental people that I'm going to  
15      overcome their hurdles on a positive  
16      dec with type of a development.  
17  
18           MR. SCHNEIDERMAN: Can I ask a  
19      question?  
20           MR. MILAZZO: I'm sorry,  
21      Supervisor. There is a third element.  
22      An action or inaction of the  
23      applicant. Including transfer on --  
24      it's a year and half since you created  
25      this Hardship?

1  
2           The second one, is that all  
3       property in this immediate vicinity is  
4       either developed with homes or in  
5       public ownership for preservation.  
6       Julie Hargraves stated that in her  
7       report. She said that it's all  
8       municipally owned by the County and  
9       State all around the property with the  
10      exception of the two little  
11      developments, the Doe Run to the west  
12      and the Primrose Path to the north.  
13      All the other vacant lands are gone.  
14      They are municipally owned or they are  
15      built on. So I isolated a piece of  
16      property that should be acquired by  
17      government or it should be able to be  
18      used for something.  
19           Number -- I did not cause the  
20      Pine Barrens Core to be -- take this  
21      parcel into it. I had nothing to do  
22      with that. I have only owned the land  
23      a year and a half. Okay. It's also  
24      -- it's a single and separate parcel.  
25      I don't own any contiguous property, I

1  
2           MR. GAZZA: Well, my action was  
3       in purchasing the property and in  
4       attempting to sell the property to  
5       government agencies. What action -- I  
6       didn't develop it, I didn't cut down a  
7       tree. I have only paid for surveys  
8       and drawings and applications and  
9       advertising. That's -- and pay the  
10      taxes. That's all I have done.  
11  
12           MR. ROMAINE: Can I ask a  
13      question?  
14           MR. GAZZA: Certainly.

14           MR. ROMAINE: How much did you  
15      pay per acre when you purchased this  
16      property?

17           MR. GAZZA: I'll tell you in one  
18      second.

19           MR. ROMAINE: Approximately.  
20           MR. GAZZA: We have ten -- well,  
21      11 acres have bad title on the south  
22      end -- so we are going to call it 50  
23      -- 59 acres.

24           MR. ROMAINE: Can you sell that  
25      11 acres if it has bad title?

<p>1 2           MR. GAZZA: No, I can't sell it. 3       No one will buy a property with a bad 4       title. I have offered it to the 5       County for free. 6           MR. ROMAINE: You did? Why 7       didn't you make that offer to the 8       Town? I'll be happy to look into that 9       for you if you're interested. 10          MR. MILAZZO: Supervisor, the 11       Town is going to consider a resolution 12       tomorrow to make an offer, so you may 13       want to refuse yourself as the County 14       is giving dependency of an offer that 15       we are hearing may come out. 16          MR. ROMAINE: May come out. 17       Thank you. 18       And from this point, I'm going 19       to leave this meeting until this 20       hearing is over because I believe that 21       we may be working with our partner, 22       the County, on this parcel and I don't 23       want to say anything further. 24       Thank you. 25          MR. MILAZZO: Thank you,</p>	<p>37</p> <p>1 2           Supervisor Schneiderman had a 3       question. 4           MR. SCHNEIDERMAN: I guess my 5       first question will piggyback on that, 6       Joe. 7           So I'm assuming that you are 8       going to retain a certain amount of 9       Pine Barren credits for the remainder 10       of the property since you're just 11       going for the one horse farm and then 12       there would be some balance of Pine 13       Barrens credits, correct? 14          MR. GAZZA: That's correct, 15       Supervisor. 16          MR. SCHNEIDERMAN: So your whole 17       argument for a Hardship -- this is 18       kind of unusual for this Commission -- 19       is that you cannot -- you cannot get 20       value out of the Pine Barren credits. 21       It seems like you preferred to 22       sell the property to a municipal 23       entity, be it the Town or the County 24       or the State or whoever it might be. 25       But there are no purchasers, and you</p>
<p>1 2       Mr. Romaine. 3           MR. ROMAINE: Let that stand as 4       my recusal for the rest of this public 5       hearing. Thank you. 6       I'll come back when you are 7       finished. 8           MR. MILAZZO: We'll bring the 9       Supervisor back in. 10          So in considering this 11       application, the Commission does not 12       weigh to be or consider the potential 13       of the County or a Town acquisition. 14       It's judged on its merits. 15       So, Mr. Gazza, I will ask a 16       question. 17       Are you revising your 18       application to be just one lot or is 19       it 12 still? I'm just hung up on 20       that, I need to know. 21       MR. GAZZA: I will be revising 22       it to seek one five acre lot 23       conforming to Brookhaven zoning. 24       MR. MILAZZO: Thank you for that 25       clarification.</p>	<p>38</p> <p>1 2       are saying there's somewhat of a 3       collapse in the Pine Barrens credit 4       market where you're not able to sell 5       those credits out on the open market, 6       correct? 7           MR. GAZZA: Somewhat. Let's 8       start with the Town -- the Pine 9       Barrens Commission marketing their own 10       credits. I believe that you have ten 11       or 20 credits that you have been 12       conducting an auction on over the last 13       year on two occasions; is that 14       correct? Is there someone from the 15       Pine Barrens that can confirm that? 16          MR. MILAZZO: I will provide 17       that answer for the record, but I 18       don't believe that is true though. 19          MR. GAZZA: Was there an auction 20       of Pine Barren credits conducted by 21       the Pine Barrens Commission? 22          MR. MILAZZO: The Clearinghouse 23       owns 10.19 credits in Brookhaven. 24       They have not offered those for sale 25       in the last year to my knowledge.</p>

<p>1 2        But, again, that's a -- Jerry Tverdy 3        will get us an answer and we'll add it 4        to the record.</p> <p>5        MR. GAZZA: Well, I believe 6        there was an auction with no bidders. 7                (Whereupon, there was inaudible, 8        indecipherable cross-talk among the 9        parties present.)</p> <p>10        MR. SCHNEIDERMAN: So it's sort 11        of an unusual argument that the 12        Pine Barrens credits are not 13        sellable -- not that sellable.</p> <p>14        MR. GAZZA: Not that sellable.</p> <p>15        MR. SCHNEIDERMAN: Not that 16        sellable. So what can you sell a Pine 17        Barrens credit for these days? 18        Because that's kind of a critical 19        component of the original Central Pine 20        Barrens Law, is the value is based on 21        these credits? And I thought -- and, 22        Joe [sic] Milazzo, maybe -- correct me 23        if I'm wrong -- I thought there was 24        some affirmative obligation of the 25        State or from municipalities to</p>	<p>41</p> <p>1        supplement the record with the most 2        recent transactions in Brookhaven. 3        They are in the order of \$80,000 or 4        more. Mr. Gazza would get 13 or so 5        Pine Barren credits at \$80,000 -- 6        someone that is smarter than me can do 7        that math -- it's more than what he 8        paid for in orders of magnitude 9        greater than what he paid for the 10       property.</p> <p>11                What he is purporting to 12        represent is he hasn't found a buyer, 13        but that may be because he hasn't 14        found a buyer at his price. And I 15        know Joe buys and sells credits all 16        the time. He may be asking too much 17        or he may not be. I don't know.</p> <p>18        MR. SCHNEIDERMAN: Do you 19        understand that for us Commissioners 20        in terms of determining Hardship -- 21        this is the central argument here -- 22        is the Hardship the inability to sell 23        credits? So to get some testimony as 24        to the value of these credits, it's</p>
<p>42</p> <p>1 2        acquire these credits.</p> <p>3        MR. MILAZZO: First off, it's 4        John.</p> <p>5        And then with respect to the 6        affirmative obligations, the 7        Clearinghouse has a blanket offer to 8        buy credits which is much lower as a 9        base (inaudible) so they have not been 10       seeking to purchase credits in 11       Brookhaven recently.</p> <p>12        Mr. Gazza bought this property 13       knowing that the Core, dwelling and 14       what its uses were. So I would 15       suggest that we focus the hearing on 16       his presentation of the elements of 17       his Hardship.</p> <p>18        MR. SCHNEIDERMAN: So, John, 19       there is no automatic purchase of 20       credits should a seller say, "I want 21       out"; that doesn't exist?</p> <p>22        MR. MILAZZO: The Clearinghouse 23       hasn't offered to buy credits at 24       values that are lower than what the 25       market transactions are. We can</p>	<p>44</p> <p>1 2        sounds like they are worth in excess 3        of what Mr. Gazza paid. I'm not 4        seeing -- I am not seeing the 5       Hardship.</p> <p>6        So, Joe, I'm going to need some 7       more clarification there. It also 8       sounded from the Supervisor of 9       Brookhaven that you have a willing 10       municipal buyer. In which case, I 11       would say let's not even go back and 12       forth. Let's not continue to argue 13       this. Let's just adjourn it pending 14       the outcome of municipal acquisition. 15       If that goes nowhere, then we can go 16       back and make the argument. But we 17       heard testimony of whether we should 18       or shouldn't have, and that there's a 19       pending offer coming your way.</p> <p>20        MR. GAZZA: I agree 100 percent, 21       Mr. Supervisor. I would welcome a 22       pending offer. I would also welcome 23       an offer from the Pine Barrens 24       Commission, at \$80,000, I am prepared 25       to sell the credits now.</p>

<p>1 2           So if Mr. Milazzo has a 3        checkbook there and someone from the 4        Pine Barrens wants to sign it, I'm 5        coming right over with the application 6        and I'll sign it up. 7           MR. SCHNEIDERMAN: I'm not quite 8        sure that that's what Mr. Milazzo was 9        saying. 10          John, do you want to clarify? 11           MR. MILAZZO: Joe knows that 12        wasn't the -- we are going on the 13        recent transactions, Joe. 14          MR. GAZZA: You know, there are 15        some transactions, Mr. Supervisor -- 16        as we both know -- that some have been 17        Town credits that are far greater than 18        \$80,000. But what has to be 19        explained, is that if I sell a credit 20        -- let's say I sell a credit for 21        \$100,000, okay? And I have sold a 22        credit -- a Town credit for 100,000. 23        The buyer does not want to buy a piece 24        of paper. A credit. They don't want 25        that. What the buyer wants is his</p>	<p>45 1 2        People are not just coming to the door 3        and knocking on my door and saying, 4        "Joe, here's \$80,000. Can you give 5        the credit?" It doesn't happen that 6        way. That's -- 7           MR. SCHNEIDERMAN: 8        (Interjecting) -- they want the 9        application. They don't want the 10       piece of paper. They want the 11       application of the credit. 12           MR. GAZZA: They want their 13        application approved. 14           MR. SCHNEIDERMAN: I understand. 15           MR. GAZZA: That's what they 16        want. And that the credit can get 17        them there sometimes -- not all the 18        time -- but sometimes. 19           MR. SCHNEIDERMAN: I understand 20        there's -- 21           MR. GAZZA: (Interjecting) -- 22        They don't hire me, they are hiring 23        another attorney to do it. 24           MR. SCHNEIDERMAN: There is also 25        quite a distinction between the Town</p>
<p>46 1 2        project to be approved and the credit 3        is necessary to get the project 4        approved. 5           So the buyer comes to me and 6        says, "Joe, I have a project and I 7        need to get an approval from the 8        Health Department or from the Town. I 9        understand that if I use credits, I 10       can get that approval." I say, "Yes, 11       that's true." And he says, "Well, you 12       get me an approval and I'll buy the 13       credit from you." 14          Then I spend six months, a year, 15        a year and a half going through 16        processes with applications with 17        Dave Wilcox for clearing use for 18        different uses. Hearings, paying 19        fees, surveys to fight to get the 20        person to be able to get what he wants 21        to use with the credit. So what 22        people don't understand, I'm spending 23        a year of my life as an attorney 24        fighting for somebody to sell one of 25        these credits, so I make a sale.</p>	<p>48 1 2        credits -- even Pine Barren credits 3        from Town to Town and their 4        applicability -- you know, depending 5        upon school district, hydrological 6        zone or all kinds of what can transfer 7        where. It's a complicated business. 8           So I don't know the value obviously of 9        the credits you have in the Town Of 10       Brookhaven in that particular area, 11       but I'm sure that it could be 12       established by the Pine Barrens 13       Commission. 14          But it seems that rather than 15        going through that exercise -- though 16        it might be the best outcome for you 17        economically -- I think we ought to -- 18        what is prudent is to wait and then 19        see what happens with the Town Of 20       Brookhaven. It sounds like you need 21        to amend your request to drop -- if 22        you're going to stay with the Pine 23        Barrens Commission -- is to drop down 24        to a single-family home, so that your 25        SEQR is a Type II. Otherwise, you're</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>going to be spending a long time on your Environmental Impact Statement Study. So you would need to make that change, too.</p> <p>But I think to enter in good faith and negotiations with the Town is the best short-term plan for you.</p> <p>MR. GAZZA: We are in agreement. No argument, Mr. Supervisor. No argument.</p> <p>MS. AGUIAR: Okay. Move on.</p> <p>MR. SCHNEIDERMAN: John, do we have to entertain other -- it's a public hearing -- do we have to continue with allowing other members of the public to weigh in here?</p> <p>MR. MILAZZO: Yes.</p> <p>MR. DALE: I have a question before we start going on with the public, if that's okay? And that is really an answer that was sought about 20 minutes ago.</p> <p>Mr. Gazza, you expressed that the 70 acres had 11 acres that had bad</p> <p>title to it, but you were going to provide a per acre breakdown of the remaining 59 in terms of what it cost you per acre.</p> <p>Do you have that number for us?</p> <p>MR. GAZZA: \$6,830.51.</p> <p>MR. DALE: Thank you.</p> <p>MR. GAZZA: Plus a year and a half of my time as an attorney.</p> <p>MR. DALE: Oh, that's like \$1,000 an hour, right?</p> <p>MR. GAZZA: No. No. \$450 an hour.</p> <p>You are dating yourself.</p> <p>A lot of time goes into my work. And I only maybe bought three or four pieces in the last year of my life. This is one of them.</p> <p>So when I devote my life towards pursuing these real estate adventures -- and not all of them work out. So it's -- other attorneys that do litigation and make all kinds of money -- this is what I do. This is my</p> <p>specialty. I track people down, I follow delinquent taxes, I follow people who have not been able to use their property, who have given up because their attorneys have given up. And I take the risk. I part with the \$405,000 of my money. I roll the dice. And there's a risk involved. And that is something that a lot of people can talk about, but unless you experience that yourself, it's hard to understand it.</p> <p>And the \$26,000 a year taxes, that hits home. Hits home right around Christmas time when those bills come in.</p> <p>MR. SCHNEIDERMAN: The problem with that argument on one hand, Joe, I can say that it's a self-imposed Hardship. That you knew what you were getting into. You were taking a risk. I have always thought that Pine Barrens credits, there was a backstop on evaluation. That they</p> <p>couldn't go to zero, that they had to have a certain amount of value, that some entity would step in.</p> <p>I get concerned if these credits don't have value. I was a little bit concerned when the County was changing the regulations that might devalue these credits from the Health Department's perspective.</p> <p>So I think it's important that these credits retain value. I don't want to say anything more on the record about that, but --</p> <p>So you're making an argument that almost goes against you by saying you took a gamble. You took a real estate gamble. It shouldn't have been that speculative because the Pine Barrens credit is ought to have value. They fluctuate, but there should be value there.</p> <p>MR. GAZZA: I agree with you. There's got to be value. But the expected value and the work that has</p>

	53  1 to go into making them valuable, that 2 is the key factor here. I never knew 3 that the Pine Barrens Commission 4 itself would buy credits from me. I 5 never knew that. No one ever told me 6 that. I have been arguing for a year 7 with the Commission over this case. 8 No one ever stepped up and said, "Hey, 9 Joe, we will write you a check for the 10 credits." I never knew that. I knew 11 they were trying to sell credits, but 12 I never knew they were buying them. 13 14 MR. SCHNEIDERMAN: I think, 15 unless other Commission members have 16 other questions is that we get to the 17 public and then I would say we adjourn 18 pending good faith negotiations with 19 the Town of Brookhaven. Hopefully, 20 that will make this matter move. 21 22 But that's just my opinion. 23 MR. GAZZA: Thank you. 24 MS. AUGIAR: Jay, I agree with 25 you. 26 CHAIRWOMAN GALLAGHER: Is there	55  1 Now, we are lucky if somebody 2 wants to buy it. That's just good 3 luck. But it's not the responsibility 4 of you people who are trying to 5 protect the environment. He knew this 6 land was not developable, he bought it 7 anyway. And now he is complaining 8 because he can't get rid of it. 9 10 That's not our business. I'm very 11 much in favor of protection, but I'm 12 not prepared to support somebody who 13 takes a risk. An absolutely 14 incredible risk. Admits that that's 15 what he does for a living and then 16 expects the people in this Commission 17 to come and make him whole. That's 18 not the way it worked before, and we 19 shouldn't make it work that way now. 20 21 MS. AUGIAR: Thank you, Rich, 22 for your comment. 23 MR. SCHNEIDERMAN: Are there any 24 other public comments? 25 MR. PAVACIC: Anybody else who wishes to make any public comments,
	54  1 anyone from the public? 2 3 MR. MILAZZO: There's one public 4 comment from Richard Amper. 5 6 John, can you read it in? 7 8 MR. PAVACIC: I thought he was 9 going to speak. 10 11 MR. MILAZZO: Rich, are you 12 there? 13 14 MR. AMPER: I am. 15 16 MR. MILAZZO: Okay. So we can 17 swear him in please. 18 19 (Whereupon, there was inaudible, 20 indecipherable cross-talk among the 21 parties present.) 22 23 MR. AMPER: Well, this is 24 clearly a self created Hardship, and 25 admitted Hardship. 26 27 He says he rolled the dice. 28 This is a guy who is a wheeler-dealer 29 in real estate for years. And a year 30 and a half ago, he went and bought 31 property that he knew couldn't be 32 developed, and now he's coming to you 33 to bitch his pitch about it.	56  1 raise your hand in the chat room. 2 Anybody else? Going once -- oh, 3 Salvatore Ciampo. 4 5 MR. CIAMPO: I had just asked 6 what the backstops government dollar 7 value for credits were? Because we in 8 the Scouts have been selling these 9 credits for a good long period of time 10 and we are not aware that we can get 11 rid of them to the government. We 12 would be inclined to think about doing 13 that. But can anyone tell me that 14 dollar value? I had asked it in the 15 chat, I didn't get a response. I had 16 asked it a second time, and I didn't 17 get a response. So now I am asking it 18 for the record. 19 20 MR. MILAZZO: The Central Pine 21 Barrens Clearinghouse made an offer -- 22 it has an outstanding offer to 23 purchase the credits. We will get the 24 numbers and we will supplement them 25 for the record. I don't know them off the top of my head.

<p>1</p> <p>2        They are based on a 1995</p> <p>3        evaluation. It was done earlier in</p> <p>4        the program, so we'll get that</p> <p>5        information.</p> <p>6        MR. CIAMPO: Can we request it</p> <p>7        be sent to either</p> <p>8        Chris Kosher(phonetic) or myself? I</p> <p>9        mean, putting it in the record won't</p> <p>10       get that information to us, right?</p> <p>11       MR. MILAZZO: It will get out to</p> <p>12       you. No problem. Yes, that's fine.</p> <p>13       MR. SCHNEIDERMAN: Any other</p> <p>14       public comment?</p> <p>15       MS. HARGRAVE: If there's no</p> <p>16       other person who would like to speak,</p> <p>17       I would just want to add again, that</p> <p>18       the Commission did receive an e-mail</p> <p>19       from a woman named Marissa Barisi, who</p> <p>20       said, "We recently have been informed</p> <p>21       by neighbors that if there are plans</p> <p>22       to build a development behind our home</p> <p>23       at 15 Doe Run in Manorville, that</p> <p>24       myself, my husband at Doe Run are</p> <p>25       opposed to the building of development</p>	<p>57</p> <p>1</p> <p>2        County and Mr. Gazza.</p> <p>3        MS. HARGRAVES: Mr. Gazza, are</p> <p>4        you willing to give Commission any</p> <p>5        kind of an extension or are you --</p> <p>6        MR. GAZZA: Yes. But not</p> <p>7        October 21st. I have to be in Florida</p> <p>8        to vote.</p> <p>9        How about November?</p> <p>10       MR. SCHNEIDERMAN: You have to</p> <p>11       give us the extension on the decision</p> <p>12       as well.</p> <p>13       MS. HARGRAVE: Yeah. To the</p> <p>14       November meeting -- the November</p> <p>15       meeting is the --</p> <p>16       MR. SCHNEIDERMAN: The 18th.</p> <p>17       MR. GAZZA: The 18th would be</p> <p>18       good.</p> <p>19       MS. HARGRAVES: November 18th.</p> <p>20       MR. PAVACIC: Wednesday,</p> <p>21       November 18th meeting.</p> <p>22       So, Mr. Gazza, are you granting</p> <p>23       an extension of time for the decision</p> <p>24       to the Commission to November 18th</p> <p>25       meeting?</p>
<p>58</p> <p>1</p> <p>2        and would like to be heard."</p> <p>3        I sent her the application. I'm</p> <p>4        not sure if she would like to self</p> <p>5        comment.</p> <p>6        So if the Commission is going to</p> <p>7        have an open written comment period,</p> <p>8        that might be helpful for few days, so</p> <p>9        people who aren't aware of this</p> <p>10       hearing or -- I did inform her that</p> <p>11       there was a hearing today -- but allow</p> <p>12       people to submit written comments</p> <p>13       maybe for five days until next</p> <p>14       Wednesday. If you wish.</p> <p>15       Then the deadline is early</p> <p>16       November, so really the -- unless you</p> <p>17       had a special meeting -- the deadline</p> <p>18       would be due at the next meeting,</p> <p>19       October 21st.</p> <p>20       MR. SCHNEIDERMAN: I would like</p> <p>21       to just leave it all open. Just</p> <p>22       adjourn it entirely to the</p> <p>23       October 21st meeting, with the hope</p> <p>24       that there's a resolution to this</p> <p>25       matter by then between the Town,</p>	<p>60</p> <p>1</p> <p>2        MR. GAZZA: That is correct,</p> <p>3        Mr. Pavacic.</p> <p>4        MR. PAVACIC: Okay. Thank you.</p> <p>5        MS. HARGRAVE: And the public</p> <p>6        comment period open until --</p> <p>7        MR. SCHNEIDERMAN: I'd leave it</p> <p>8        entirely open so that we can get</p> <p>9        people on public comment on the</p> <p>10       18th of November as well.</p> <p>11       MR. MILAZZO: So procedurally,</p> <p>12       you may want to have your public</p> <p>13       comment period on the next Commission</p> <p>14       meeting in October, and then you could</p> <p>15       close. We are not going to have</p> <p>16       another hearing, it will just be the</p> <p>17       record portion. Then after, you would</p> <p>18       be able to consider all of the</p> <p>19       comments received in October at your</p> <p>20       November meeting, which is the</p> <p>21       decision deadline.</p> <p>22       Otherwise, you find yourself</p> <p>23       having -- receiving public comment on</p> <p>24       the day of your decision which is</p> <p>25       always a problematic situation.</p>

<p>1 2           MS. AUGIAR: Makes sense. 3           MR. SCHNEIDERMAN: Mr. Gazza, 4           won't be here for the October hearing. 5           MR. PAVACIC: There's another 6           question from Salvatore. 7           MR. CIAMPO: I just wonder if we 8           could get a definitive answer. I 9           don't think I have heard if the 10          Pine Barrens Commission was selling 11          credits in competition with those who 12          are holding credits. I have never 13          heard that, but we didn't get a 14          definite no or yes on that I think. 15          MR. MILAZZO: The Commission is 16          not actively selling credits from 17          Riverhead as of today. The Commission 18          is not actively selling credits in 19          Southampton today. The Commission is 20          not -- I don't believe the Commission 21          is actively selling credits in 22          Brookhaven. We will confirm the 23          Brookhaven piece. 24          MR. CIAMPO: I apologize. Let 25          me clarify the question.</p>	<p>61</p> <p>1 2           all of those understandings. We will 3           get it into the record for the record. 4           MR. CIAMPO: Thank you. 5           That's sort of what I thought, 6           but I wanted to get it more clear. 7           Thank you very much. 8           MR. MILAZZO: And, again, we 9           will make sure that's right, so it's 10          subject to verification and 11          confirmation. 12          So with respect to the hearing, 13          I recommend that you close the public 14          hearing portion. You keep the record 15          open until October, then you have your 16          decision in November; is that okay? 17          MR. GAZZA: That's fine. 18          MR. SCHNEIDERMAN: I'm not sure 19          about that because it sounds like 20          Mr. Gazza is about to change it and 21          make it a single-family home as his 22          application and not a 12-lot 23          subdivision. And that seems to be a 24          material change and I just state that 25          we ought to allow public comment</p>
<p>62</p> <p>1 2           Is not currently and never has 3           been? Or have they been at any given 4           time? 5           MR. MILAZZO: This is a public 6           hearing, so you can put that on the 7           record. The Commission is not 8           actively selling them today. 9           (Whereupon, there was inaudible, 10          indecipherable cross-talk among the 11          parties present.) 12          MR. CIAMPO: The question is, 13          have they ever been? 14          MR. MILAZZO: This is a public 15          hearing. If you want to put that on 16          the record, your question is noted for 17          the record. 18          They are not actively selling 19          them. I don't know if we sold them -- 20          I have to go -- it's 25 years. They 21          are selling to Riverhead -- they don't 22          own any Riverhead credits. They don't 23          own any Southampton credits. The 24          Commission only owns ten credits in 25          Brookhaven. Jerry Tverdyy can confirm</p>	<p>64</p> <p>1 2           besides his written comment on that. 3           But -- 4           (Whereupon, there was inaudible, 5           indecipherable cross-talk among the 6           parties present.) 7           MR. MILAZZO: Then your decision 8           might be in December. You just 9           shouldn't have your decision align 10          with the day of your closing of the 11          hearing. That's all. 12          MR. SCHNEIDERMAN: Again, I'm 13          hoping this is all mute very quickly 14          if Brookhaven Town and Mr. Gazza come 15          to terms. 16          So -- but, Joe, are you okay 17          with giving a decision deadline in 18          December? 19          MR. GAZZA: November would be 20          better for me, I'm going to be on 21          Long Island. I have to pay taxes -- 22          you know, I'm going to get another tax 23          bill coming up. It's just another 24          \$27,000. I'm trying to resolve this. 25          MS. AUGIAR: Oh, you're going to</p>

<p>1 2 make out well. 3 4 MS. HARGRAVE: So the decision 5 is to have the hearing to only -- if 6 Mr. Gazza formally withdraws his 7 12-lot subdivision and proceeds with 8 only the development of one lot which 9 requires a Core Hardship. 10 11 Does the Commission wish to have 12 another hearing in October or November 13 to hear just that development proposal 14 and then have a decision after -- on 15 the date after that? 16 17 MR. GAZZA: I have withdrawn the 18 12-lot, and I'm on the single-family 19 home with the -- for the horses. 20 That's my application. 21 22 MR. SCHNEIDERMAN: Let's leave 23 the record open -- the written record 24 open for a month and then we can make 25 a decision. Hopefully, it gets resolved in that month. 26 27 MR. GAZZA: Thank you. 28 29 MR. SCHNEIDERMAN: Does that 30 seem okay?</p>	<p>65</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>MS. HARGRAVE: I think we also need to add three exhibits. So it would be K, L, and M. It would be the report from Town Of Brookhaven dated September 14th that provides comments on the application. And it does indicate the essential acquisition and would prefer if anything goes through, would be the one lot development. The Gazza letter dated September 15th, 2020, received on September 15th is 14 pages and that is -- that was received yesterday with a cover letter and some supporting materials. And then material that was received today from Mr. Gazza, was a letter dated September 15th, and that was received today. It was five pages and that has the -- and that was brought up to the Commission today and that has the potential one lot development for a single-family residence.</p>
<p>66</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>MR. MILAZZO: That's perfectly appropriate. And I will remind the Commission, the Commission is debating and determining whether Mr. Gazza has established a Hardship on his application and is now considering whether the Town, the County or any other agency is interested in acquiring this property that's outside of the purview of your consideration and is now going to the merits on his application. His application has either demonstrated a Hardship exists based on what he has told us today or it hasn't. And the determination of whether he sells or not doesn't matter. So I just want that to be the criteria the Commission Staff uses in reviewing and determining whether the Hardship exists subject to the new comments that come in in the next month.</p>	<p>68</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>So that's all. MR. SCHNEIDERMAN: Thank you. So I am making a motion to close the oral testimony and leave the written record open for a month -- something like that. MS. AGUIAR: I second. CHAIRWOMAN GALLAGHER: So close the public hearing and leave the written record open for a month? MR. SCHNEIDERMAN: Yes. MR. MILAZZO: Yes. MR. SCHNEIDERMAN: On the amended application that involves just the single-family dwelling horse lot -- horse farm. MR. MILAZZO: The voting members -- so we have two recusals -- and we have the County recused themselves and the Town Of Brookhaven, so the three members that can vote are Riverhead, Southampton and the State. So we have a motion from Jay Schneiderman, is there a second?</p>

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2           MS. AUGIAR: Yes, I second.  
3           MR. MILAZZO: All in favor.  
4           (Whereupon, there was a  
5           unanimous, affirmative vote of the  
6           Board.)  
7           MR. MILAZZO: Thank you. Any  
8           nos, any extensions to County and the  
9           Town Of Brookhaven. So the resolution  
10          rests. It's 3, 0, 2.  
11          This hearing is closed. Thank  
12          you.  
13          (Whereupon, this hearing was  
14          concluded at 4:20 p.m.)

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2           C E R T I F I C A T I O N  
3           STATE OF NEW YORK  
4           Ss:  
5           C O U N T Y O F S U F F O L K  
6  
7           I, DOMENICA RAYNOR, Court  
8           Reporter and Notary Public of the State of  
9           New York, do hereby certify:  
10          That the within transcript  
11          was prepared by me and is a true and  
12          accurate record of this hearing to the  
13          best of my ability.  
14          I further certify that I am  
15          not related to any of the parties to this  
16          matter by blood or by marriage and that I  
17          am in no way interested in the outcome of  
18          any of these matters.  
19          IN WITNESS WHEREOF, I have  
20          hereunto set my hand this 16th day of  
21          September, 2020.  
22  
23  
24  
25

1  
2           E X H I B I T S:  
3

4           EXHIBIT	5           DESCRIPTION
6           K	Town of Brookhaven report
7           L	Gazza Letter 9/14/20, 14 pages
8           M	Gazza Letter 9/15/20, 5 pages

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