

## 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.

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MODERN SHORTHAND REPORTING AGENCY  
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## 1 A P P E A R A N C E S:

2  
3 VINCENT CANNUSCIO, Member  
4 Supervisor, Town of Southampton  
5 BY: JEFFERSON MURPHREE, Acting Chairman

6  
7 ROBERT J. GAFFNEY, Chairman  
8 Suffolk County Executive  
9 BY: JENNY KOHN

10  
11 JOHN J. LA VALLE, Member  
12 Supervisor, Town of Brookhaven  
13 BY: BRENDA A. PRUSINOWSKI, AICP

14  
15 RAY E. COWEN, P.E., Member  
16 DEC Regional Director, Rep. GEORGE PATAKI  
17 BY: WILLIAM H. SPITZ, Chief

18  
19 ROBERT KOZAKIEWICZ, Member  
20 Supervisor, Town of Riverhead  
21 BY: JOEY MAC LELLAN

22  
23 DONNA PLUNKETT, Staff to Commission  
24 ANN CARTER, Staff to Commission  
25 MARK RIZZO, Staff to Commission

26  
27 MC MILLAN, RATHER, BENNETT & RIGANO, P.C.  
28 Attorneys for Commission  
29 48 South Service Road  
30 Melville, New York 11747  
31 BY: JAMES P. RIGANO, ESQ.

32  
33 FRANK LOMBARDI, appearing for applicant  
34 10 Chestnut Lane  
35 Quogue, New York 11942

36  
37 ROBERT DEBESTER, appearing for applicant  
38 77 Van Buren Street  
39 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.]

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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.

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.

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

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

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

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

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

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

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

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

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

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

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

21 MR. LOMBARDI: Frank Lombardi. My home address  
22 is 10 Chestnut Lane, Quogue, New York,  
23 11942.

24 MR. DEBESTER: Robert Debester; 77 Van Buren  
25 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 logically, 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.

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

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?

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

you respond as to the criteria.

Perhaps, I can just give you a

list of nine different elements from the

criteria in the statute, and perhaps I

could run through the nine requirement

will just read them off, and you will know

what the nine criteria are, and then we can

take each one at a time. I am summarizing.

Under Section 57-0121-A,

Subsection B and C are as follows:

First, that the development has

to serve an essential health and safety

need of a municipality.

Second, that the public benefits

have to override the importance of the

protection of the core area.

Three, the use is required to

serve an existing need of residents.

Fourth, that there is no feasible

alternative that exists outside the Core

Preservation Area and no better alternative

exists in the County.

Fifth, that the proposal is not

materially detrimental or injurious to

other properties in the area.

Sixth, that there is no increased danger of fire.

Seven, that public safety will not be endangered.

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

Ninth, that this is the minimum 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.

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.

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

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 LEELAN: Still in Suffolk County?

1 MR. LOMBARDI: Yes.

2 MR. RIGANO: The fourth item is no feasible  
3 alterative 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

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.]

30 | Page

1                   COMMISSION'S EXHIBITS MARKED IN EVIDENCE

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

8

9                   APPLICANT'S EXHIBITS MARKED IN EVIDENCE

10                  Exhibit 1:           Brochure                           Page 25

11

12                  LIST OF ITEMS TO BE PRODUCED

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

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## CERTIFICATION

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

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

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

*Sheila Pariser*  
SHEILA PARISER, R.P.R.

SHEILA PARISER, R.P.R.