

1
2 -----X
3 IN THE MATTER OF THE APPLICATION OF
4 RUSSELL E. FURIA,

5 PUBLIC HEARING on the CORE
6 PRESERVATION AREA HARSHIP
7 APPLICATION for A SINGLE RESIDENCE

8 Riverhead Town Hall
9 Riverhead, New York

10 April 21, 1994
11 7:35 P.M.

12 B E F O R E:

13 CHAIRMAN PROIOS

14 MEMBERS OF THE COMMISSION:

15 BARBARA WIPLUSH, Town of Brookhaven, for
16 John LaMura
17 LINDA RILEY, for Fred Thiele
18 BRENDA FILMANSKI, Town of Riverhead

19 TOWN ATTORNEY:

20 DORIS E. ROTH

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN PROIOS: I call the meeting to order. My name is George Proios, filling in for the County Executive, who's the attorney for the commission.

This is a notice of a hearing that appeared in Newsday on April 14, pursuant to the Environmental Conservation Law article 57-0121. Notice was given that a public hearing would be held by the Central Pine Barrens Joint Planing and Policy Commission on April 21, 1994 on the matter of an application for core preservation hardship permit. The subject of the hearing is Russel E. Furia and is an application for a single residence.

The project involves a 68.8 acre parcel of land on which a single family dwelling is proposed to be built. The parcel is located on the north side of Hot Water Street, approximately 1900 feet east of County Road 111 in Manorville.

And joining me are representatives of the other members of the commission.

MS. WIPLUSH: I am Barbara Wiplush for

2 the Town of Brookhaven, Assistant Town
3 Attorney.

4 MS. RILEY: I am Linda Riley, Town
5 Attorney for the Town of Southampton, for
6 Fred Thiele.

7 MS. FILMANSKI: I'm Brenda Filmanski.
8 Planner for the Town of Riverhead.

9 CHAIRMAN PROIOS: And at this point, we
10 will let the applicant at least make a
11 presentation.

12 MR. FURIA: I think we've been through
13 quite a bit of this and I think George is
14 very aware of this project. The other people
15 in the room who don't, I'd like to show you
16 this picture here. I don't know if you have
17 seen the aerial view or not. This is a
18 picture of the subject property (Indicating).

2 there is a half acre parcel, a half acre
3 parcel and a one acre parcel. This pond here
4 is a stagnant water pond. Inquiries to the
5 DEC have indicated they have no jurisdiction
6 over it and that is as long as I stay away
7 from it 150 feet, they have no comment at
8 all.

1
2 building permit at all on this property, I
3 would be willing to put the house anywhere on
4 the property that the commission so desires,
5 you know, that -- to see the house located at
6 or would approve, however you want to look at
7 it.

8 The property continues back from this
9 point here, which is 752 feet east of County
10 Road 111, to this line here (Indicating).
11 And then it continues down like this and
12 along the right of way. So once again, the
13 property line runs like that (Indicating).
14 All right.

15 To this side I have an 87 acre piece of
16 property owned by Mr. Deitz and to the north
17 of me I have a piece of property that is
18 owned by George Seltzmeyer (phonetic),
19 approximately 33 acres over here
20 (Indicating). To the other side of myself I
21 have a piece of property that is owned by Mr.
22 Hineline (phonetic). Hineline's property is
23 64 acres, Seltzmeyer's property is 34 acres
24 and Deitz's property is 87 acres.

25 As you can see, I have fields that have

25 When I first bought the property in 1983,

1
2 you could find deer on it. In 1994, I am
3 surprised we don't find dead human beings on
4 it. It is really an abused piece of
5 property, a liability. And I can't stop the
6 onslaught of the public. It's almost
7 impossible to even ask somebody to politely
8 leave the property and have them not tell you
9 where to go.

10 When I go out to this property on the
11 weekends -- we can put it down Rich. When I
12 go out to this property on the weekends, I
13 spend my time walking around picking up
14 trash. Here's some pictures, only of the
15 front of the property because I took them the
16 other day with my car and I didn't want to
17 get the car dirty with that clay-type mud
18 that's so hard to wash off. I didn't have to
19 go far to come up with those pictures
20 (Handing).

21 In fact, it's really not hard at all to
22 spend over \$10,000 a year picking up garbage.
23 Sometimes I am lucky, what I do is if I see
24 somebody pull up with a truck and I am there,
25 I tell them where to go to dump it. Go down

2 the block to Suffolk County's property. I
3 know approximately where Hector Cuales'
4 property is that you bought the 500 acres,
5 and I send them over there. I said "Hey, I'm
6 only the little guy. I can't afford to pick
7 this up." And I show them my tax map,
8 showing them the property, and I say, "Go
9 dump over there." At least the public will
10 be picking it up and my neighbors, who are
11 private citizens, won't be mad at me because
12 I told them to dump it someplace on their
13 property.

21 A guy's dumping a load of shingles.
22 "Please pick those shingles up off the
23 ground, you just dumped those shingles on my
24 property illegally." What do you do? He is
25 not going to pick them up, okay? He turns

2 around and he says, "You're not going to tell
3 me what to do." And you're standing out here
4 in the forest, all right. And you say,
5 "Well--" and you back up slowly to your
6 truck and you say, "If I get to my truck, I
7 hope I'll be safe." All right? Because he's
8 in the process of threatening you, that if
9 you take down his license plate number and
10 turn him in, he is going to retaliate against
11 you.

12 I've had them threaten to burn my
13 property, I've had them threaten personal
14 harm, I mean, it's incredible. You call the
15 police up "Someone dumped on my property.
16 Take the plate number down and report it."
17 Very good. As soon as I report the guy, I
18 have an enemy.

19 I have 70 acres of property to defend, 70
20 acres. If he comes back and burns that
21 property in the middle of the night, the
22 County of Suffolk is going to tell me, "Mr.
23 Furia, your property's not worth anything
24 anymore, there's no trees on it." So what do
25 I do? Okay.

2 This is why I feel it's necessary to do
3 this and build a house on the property. If I
4 could create a presence on this piece of
5 property and people know that there's
6 somebody living on this property, I can
7 eliminate one of my bills, the garbage bill.
8 It's a very serious bill.

9 How many of you people would like to
10 devote your weekend picking up the garbage
11 that has built up during the week, from
12 Monday to Friday, in the wee hours of the
13 morning? I mean I've had heavy equipment out
14 there picking up this garbage. It's a
15 serious problem.

16 Not to mention the public that comes in
17 the middle of the night and builds campfires.
18 Right on any DEIS there's pictures of it.
19 They build campfires, huge campfires.

20 If I happen to be driving through this
21 piece of property at night and I see a few
22 campfires, I drop off some fire extinguishers
23 and I ask them to please leave the fire
24 extinguishers next to the tree in the morning
25 when they leave. How do you get rid of

2 somebody with a huge campfire that has
3 already got a keg of beer in them? You call
4 Suffolk County Police? "Please go break up
5 this huge campfire. Let's see now. Go to
6 exit 70, go down to Hot Water Street, go
7 about 2000 feet up into the woods and stop a
8 party in the middle of the night." What
9 police officer in his right mind is going
10 respond? Not only will he maybe not get in
11 there with his basic car, but when you get
12 there you find 50 or 60 people hanging out,
13 you don't need one police officer, you need
14 an army because they're intoxicated.

15 So, I come before you today to ask to put
16 one house on the property. That, by far, is
17 not my original intent. My original intent
18 was to do a subdivision of upper middle
19 income or affluent houses on two acre
20 property. I had 30 houses. Through the Town
21 of Brookhaven's change of zone, I wound up
22 with five acres zoning and 12 houses.

23 So I came to you and asked for 12 houses.
24 Twelve houses, you would have gotten 80
25 percent of the property for free and 12

2 houses basically clustered down in the center
3 of the property by the Town of Brookhaven's
4 Planning Board's request, that I cluster the
5 12 houses on two acres each. It was denied.

6 So the first time they devalued the
7 property from 30 houses, on two acres to five
8 acres, and 12 houses. The second time, they
9 devalued the property from 12 houses on five
10 acres to 12 houses on two acres. Let's face
11 it, you took away 18 houses on two acres.

12 I wouldn't be so upset if you would just
13 reach in your checkbook and take out your
14 checkbook and make a reasonable offer for the
15 property.

16 So now I am coming back for one house.
17 We're playing a game. It's called, at what
18 point do we commit emanate domain? At what
19 point do we deny Rus Furia the right to use
20 his property?

21 You know, I now all about the tent
22 routine. Everybody's told me about the tent,
23 you know, some guy down in Jersey after seven
24 years, he's trying to put a tent on his
25 property. I've heard the story.

2 When you get involved with eminent domain
3 and of course, by now you must know I've been
4 to a condemnation lawyer, you start to talk
5 about the bare residual value of the property
6 and whether or not there is any residual
7 value on the property and whether or not one
8 house is residual value enough, that you
9 haven't committed eminent domain.

10

11

12

13

14

15

16

17

We are not here to argue tonight about

eminent domain. What we're here to do is

tell you, I have a valid reason why I need to
put a house on my property because I might as
well not own my property if I can't create a
presence which keeps the public away or at
least minimize it. That is why I need to put
a house on that property.

18

19

20

21

22

23

24

25

The County of Suffolk made me an offer

recently. The offer that they made me wasn't
palatable enough for me to bite. And believe
me, I am thinking very hard about that offer.

And I tried to enlist the support of other
people, including George. We had the
telephone conversation, I asked George if
there was anything he could do to get a

4 For those people of you who think there
5 is a comparable out there in the Town of
6 Manorville to use my property, you're wrong.
7 There are no comparables of any sales in
8 Manorville that I consider to be comparable.
9 And you say, well this property sold, that
10 property sold, this property and that
11 property sold. You're right, but you're
12 wrong. The people that are selling are
13 people that sold under adverse conditions.

14 Since 1987 when Mr. LoGrandy openly
15 acknowledged his attempt to save the pine
16 barrens and then proceeded to have two public
17 votes, the first one to authorize it and the
18 second one to bond it, there have not been
19 any valid sales as far as I am concerned.

2 or it was brought during the pine barrens
3 lawsuit or it was brought during the pine
4 barrens commission or it was brought during
5 the FGEPA guideline plan workout, it was
6 always something in the works. That meant
7 that the owner of any piece of property
8 there, had no real idea as to what he could
9 build or he could not build.

10 To further complicate things, during this
11 period, the Town of Brookhaven, okay, failed
12 to act in a timely bases on my application.
13 That's hardship in itself, stall and delay,
14 stall and delay, stall and delay. They
15 changed the requirements over and over again.

16 All of these maps here, everyone of them,
17 is different; compromise, zoning compromise,
18 compromise change the road, move away from
19 the pond, move the road this way, move it
20 that way, it's too hilly here go this way, go
21 that way.

22 And you know what the sad part is? The
23 sad part is, I've been trying for almost a
24 decade to do something with this property and
25 I can't get any place. It doesn't take a

14 Hot Water Street is a Town of Brookhaven
15 road. It's been their road since November 6,
16 1800. Two and a half years to design Hot
17 Water Street, two and a half years.

2 used by the Town and then was being used by
3 the Town and only because I brought in
4 outside independent engineers and surveyors
5 to start to look over this map because I was
6 going to litigate and sue, did after two and
7 a half years the road finally get resolved.
8 But it was two and a half years.

9 And you know what the funny thing is, at
10 the end of two and a half years, my new
11 engineer did the whole job in 10 days. And
12 the Town of Brookhaven sat with him,
13 discussed it and worked it out. I mean it's
14 amazing how things can get done when people
15 want to get them done. It really is.

16 But anyway, back to my point, there
17 aren't any valid comparables out there today.
18 You really got to go back to 1987 to find a
19 valid comparable. This thing has been in
20 such a pickle since 1987 that nobody out
21 there has sold a piece of property to anybody
22 who bought it and the party that bought it
23 doesn't have any idea what he could build on
24 it.

25 And if you bought an existing subdivision

2 that was in the middle of it all and you are
3 on the south side of County Road 111, you got
4 grandfathered for two years and then when
5 that wasn't enough they grandfathered
6 everybody again for another two years. Yet,
7 on the north side of County Road 111, did
8 anybody get grandfathered? Nobody got
9 grandfathered. So there's discrimination
10 from the north side of County Road 111 to the
11 south side of County Road 111.

12 Hydrogeologically there is no difference.

13 Charlie Mancini is about to build 400
14 houses 752 feet east of my property on the
15 other side of County Road 111. I can stand
16 on my property and with a pair of binoculars
17 I can see the signs on his trees, "Public
18 hearing." It's only 752 feet. Suffolk
19 County Water Authority, they're digging the
20 well guys. Guess where it is? It's 2500
21 feet north of my property. They broke
22 ground, disturbed the trees, cut them down,
23 there's rigs, there's bulldozers and
24 everything all over the place.

25 One thousand feet south of my property

2 they are going to put a three million gallon
3 storage tank. Guess where the water line's
4 going to run? Right past my property. You
5 know, you can reach out and touch someone, I
6 could probably reach out and touch a water
7 line with a little bit of luck.

8 On top of that, the water main across the
9 street has been in since February of 1990, a
10 12 inch water main. If I wanted to, it
11 wouldn't be that expensive to run a four or
12 six inch water main to my property and have
13 city water. I could have a fire hydrant.
14 With a three million gallon storage tank
15 right next to me I don't think there would be
16 any water pressure problems.

25 As a matter of fact, if you really look

2 at the map and look where the aquifer is,
3 guess who's sitting over the aquifer? Mr.
4 Mancini and Mr. Breslyn. Yet they're going
5 build and I can't. Another discrimination.

6 Dr. Jackson here did my environmental
7 reports. I sent those reports to Garrity and
8 Miller, the Water Authority Firm in the
9 County -- where is it, Nassau County?

10 MR. JACKSON: Nassau County.

11 MR. FURIA: That Carole Swick says is
12 probably tops in the nation. You know what
13 the conclusion was? That Dr. Jackson's
14 numbers were right. You know what Dr.
15 Jackson's numbers on nitrogen calculation
16 show us? My property is totally buildable.

17 And let me tell you something else, too.
18 Those calculations tell me that Mancini and
19 Breslyn's property is buildable. They fall
20 within the guidelines, the guidelines
21 established by the County of Suffolk under
22 the SGTA plan. I fall within those
23 guidelines and fall with within the
24 guidelines for a two acre, a five acre or one
25 house.

1
2 Mother Nature puts 1.45 parts per million
3 into the ground water all on her own. My
4 project will put 1.58 per acre into the
5 ground water, with one house on it. We are
6 talking non-development. We are talking
7 about no significant impact on the
8 environment.

9 In fact, if I can minimize the
10 disturbance on my property, I could probably
11 re-vegetate portions of the property and I
12 would even have less disturbance. I don't
13 know what to say.

14 You know, from a personal standpoint,
15 this is my dog. All right (Handing). You
16 can take a look at that picture. When I
17 bought this property that dog was a puppy.
18 That puppy is now a senior citizen. Notice
19 the grey hair in that Irish Setter's face.
20 Ten years have gone by. That dog, when I
21 bought the property was a pup.

22 Last Friday I was in the vets office and
23 I find out the dog's got diabetes. Okay. I
24 have to give the dog insulin shots twice a
25 day now. Took her to the vet because she's

2 having convulsions, you know, seizures.

3 Maybe it was a stroke, we don't know. She

4 doesn't look like she can see so well

5 anymore, but the dog was a puppy when I

6 started this project. I had, you know, I

7 said "Hey, I am going to go out there, I'm

8 going to build some houses, this dog's going

9 to run around, you know, on a nice piece of

10 property." Not being, you know, in a

11 backyard chained up to a stake. The dog's

12 gonna to die.

13 I spent last night cutting up some pine

14 wood and making a pine box. I don't know if

15 it's against the law or not, but somebody

16 better enjoy this property, I am going to

17 plant that dog on that property. I'm going

18 to have the most expensive cemetery that

19 anybody could possibly ever buy because at

20 the rate I'm going, that's probably the only

21 thing I can put on that property and I

22 probably can't even do that but, I'll get

23 away with that one. Dump so much other trash

24 there and no one says anything, I certainly

25 can dig a hole.

2 I mean this is ridiculous it is really
3 ridiculous what's happening here. It's a sad
4 state of affairs.

5 A friend of mine is coming back from
6 California, he's on a plane. The guy is
7 talking to the guy next to him. You know
8 what they are talking about? Long Island,
9 the pine barrens. My friend says "You can't
10 believe this, in the next aisle over I'm
11 listening to this conversation about Long
12 Island, the pine barrens and how you can't
13 build there." And this other guy is talking
14 about his company in California is looking
15 for a new location for their company. And my
16 friend turns around, you know, and he's
17 listening to this conversation and do you
18 know what the sensus of opinion was?

19 Certainly don't come back to the Long Island,
20 New York. That's sad. Okay. Because I
21 happen to know after my friend talked to me
22 and he talked to the other people, he told me
23 what their names were, I happened to know who
24 the other people that were talking.

25 You have created a major thing all over

2 the county. People have this dirty image now
3 of Suffolk County, that you can't do
4 anything.

5 You can't get a building permit. I mean
6 it's insane. Then when I talked to George,
7 we talk about different things, and George,
8 okay, he knows there's no real drinking water
9 problem up here. Carol Swick knows there's
10 no real drinking water problem.

11 As a matter of fact, one Suffolk County
12 employee told me, there's no drinking water
13 problems now or in the foreseeable future or
14 even 10,000 years from now.

15 Lee Koppelman who has been campaigning to
16 save my property, told me himself, it's open
17 space preservation, five acre zoning, I would
18 never damage the drinking water.

19 Carol Swick admitted, over one acre I
20 would never damage the drinking water. The
21 list goes on.

22 Arthur Kunz (phonetic) admitted it also.
23 Mr. Kunz tried to exchange my property for
24 another piece of property on College Road and
25 Mooney Pond Road in Selden. It was up for

2 auction, only asking 1.1 million. Couldn't
3 pull it off. The politics to be and all of
4 the people that I spoke with couldn't pull it
5 off.

6 Carol Swick said there was nothing wrong
7 with it. Koppelman said it was doable.

8 Arthur Kunz said it was doable. Kunz said he
9 would work on it some more after he got back.
10 He died. Felt sorry for the man that he
11 died, but also sorry for myself that the man
12 died. Because he was one of the people that,
13 like Koppelman, he seemed to maintain a
14 fairly honest outlook as to what was going on
15 out east.

16 You people allowed Dick Amper to back
17 you into a corner and then after Amper backed
18 you into a corner, you sold out. The County
19 of Suffolk really didn't fight the man. If
20 you had fought him Rus Furia would be
21 building houses on five acres.

22 And if the County really wants my
23 property for a park, I gave them some numbers
24 that are doable, that I would accept. And
25 I'm loosing money at those numbers that I

2 gave you. But the take it or leave it
3 attitude is not negotiation. I am trying to
4 sell to you, at a loss after 10 years with no
5 return on my investment, just to get out of
6 this nightmare.

7 I moved out of my house, I don't live in
8 it anymore. I cut my overhead. There was no
9 need for it anyway, I was never there. Being
10 a single person, one house, one dog. I
11 rented it. I don't know what to do. I need
12 a place to live. The weather's warm, I am
13 considering a tent.

14 Manorville, 70 acres, prime property and
15 if you time it just right, you can actually
16 see a duck land every once in a while in that
17 front pond of stagnant water. I guess the
18 ducks leave when they find there's nothing to
19 eat in it. Certainly I can't find anything
20 alive in it.

21 Anyway, I want to indicate one other
22 thing while we're here, too. I did a
23 cumulative impact statement, 6,038 acres,
24 6,038 acres to build one little 70 acre strip
25 of property. The Town of Southampton did a

2 whole study only considered three times the
3 amount of property. All of these numbers,
4 all of these facts, all of these documents
5 and reports here are adequate whether it goes
6 for a subdivision of 30 houses or subdivision
7 of 12 houses or one house. They were done
8 with such care.

9 This map will show you where we planned
10 to put the one house. As I said before,
11 we're open to any suggestions where to put
12 that one house. This map will show you where
13 we planned to put that one house so that when
14 that occasional duck does land, with the
15 green head, on the pond and this pond is
16 right in here (Indicating), if I put my house
17 right here, I could see it. When we first
18 started out you only had to be 70 feet from
19 the wetlands, then it became 100 feet from
20 the wetlands, now I think it's 150 feet from
21 the wetlands. In anticipation of another 50
22 foot increase, we moved the house back and we
23 set the house back 200 feet. Every time the
24 law changed, every time the law changed, we
25 responded.

2 I lobbied everybody for support. I
3 lobbied Mr. Amper for support. "Dick, please
4 help me get out of this. I'll see what I can
5 do Rus." I am trying to sell, you're making
6 it impossible. You're not giving me a
7 reasonable offer. And I am not greedy.
8 Where in America can you go and buy a piece
9 of property, have somebody build 400 houses
10 across the street from you, knowing that
11 you're hydrogeographically the same and you
12 can't build?

13 I made an investment in the County of
14 Suffolk in the Town of Brookhaven. It was
15 supposed to create jobs, it was hopefully
16 supposed to generate a profit and it was
17 supposed to create a home for me. Home,
18 H-O-M-E. Pick a spot, build your home. Fall
19 in love with that spot. I really wanted to
20 put my house on that spot. Not a builders
21 house that was built, okay, for somebody in a
22 neighborhood that says "Hey, let me just go
23 to work and come home." A house that was
24 supposed to represent, hey, I broke my ass
25 for last 30 years, working since I was a kid,

2 was very frugal, saved my money, and now I
3 bought this piece of property.

4 I only spent 75,000 for the property.

5 You know what's wrong? Nobody says, you
6 picked up the garbage for a decade. Nobody
7 says -- when I started this process, you
8 know, it was \$400 for the original
9 application fee. Nobody says what it costs
10 to do all these prints. Nobody says what it
11 costs to hire a man that has a doctor's
12 degree. Nobody says what it costs, okay, to
13 go and have those reports certified by
14 another doctor because it looks like you're
15 heading for litigation. Nobody says what it
16 costs when you retain an attorney and the
17 attorney turns around and said to you and
18 says, "I don't sue them, I schmooze them." I
19 schmoozed them and I didn't get anyplace.
20 "You need a new attorney. Please send me
21 \$8500."

22 This is impossible. We are dealing with
23 insanity here. All right. All I want is my
24 single house at this point in time, so that I
25 can build on a piece of property that I

2 worked a life time for. You have the
3 inherited money that I inherited. You have
4 my sweat. You've got everything. All I am
5 asking for is the right to build a house on
6 my property across the street from Mr.
7 Mancini's 400 houses. Now, while I am
8 criticizing Mr. Mancini, understand
9 something, he meets the environmental
10 criteria to build those houses.

11 I don't know what to say beyond that.
12 Except that -- I just don't know what to say.
13 It's impossible. You have raised my blood
14 pressure on so many occasions that now I
15 don't even seem to get that upset anymore.
16 You become kind of numb to the thing after a
17 while. You just know you're going to get
18 screwed.

19 You made a mistake when you denied the 12
20 houses. That was a very environmentally
21 sound proposal. Nobody else is doing it.
22 The other side of the road isn't doing it. I
23 don't know Richard, you want to say anything?

24 MR. JACKSON: Just a few things, if you
25 don't mind.

2 MR. FURIA: If you will excuse me, I am
3 going to get a drink of water. I'll be right
4 back.

5 MR. JACKSON: Just to qualify myself
6 and -- this is probably one of the easiest
7 tasks I've ever had concerning this project
8 as well as any of them I've ever done, is try
9 to environmentally substantiate why one house
10 is buildable on 68.83 acres.

11 Just for the record, my name is Dr.
12 Richard Jackson. I qualified in front of
13 this board before. I have a Master's and
14 Ph.D in Geology and I've been doing
15 environmental work for, I don't know, 20
16 years or so.

17 I was the one who put together this
18 massive book documents that you see here;
19 DEIS, FEIS on one acre -- I am sorry, two
20 acres, five acres. Plans that Mr. Furia
21 presented to the Town of Brookhaven. I could
22 stand here today and I have before, and
23 environmentally explain why any one of those
24 plans is valid.

25 I've been in front of boards testifying

2 on a lot of occasions, over the fact that
3 what Mr. Furia has said is absolutely right.
4 This is not a drinking water problem, it
5 never was. The Towns of Riverhead,
6 Brookhaven, Southampton, have already taken
7 care of that problem.

8 Over the last 10 years the changes of
9 zone were from two acres and one acres to
10 five, ten and in some cases, even 20 acres.
11 You build a house on five acres there is no
12 environmental impact which is even hardly
13 measurable. And for me to sit here and talk
14 about one house and 68.83 acres is almost
15 ridiculous.

16 I've done environmental impact statements
17 on single family homes, but they're found in
18 wetlands, down by the ocean, down by the bay
19 and there you are talking about a situation
20 where there is substantial impact. And it's
21 very difficult to mitigate those impacts.

22 Here, Mr. Furia's all ready said to you,
23 "Just tell me where to put it." He could put
24 it here by this pond and in fact, if he did
25 that, I don't know if he would be able to see

2 those ducks because he's got a nice little
3 hill separating his proposed house from that
4 wetlands and pond.

5 MR. FURIA: We're passed that Rich, we
6 will put it any place.

7 MR. JACKSON: That's what I said. He
8 will put it anywhere. A couple of months ago
9 I was in front of this board indicating that
10 we felt 12 houses was environmentally sound.
11 At one time Mr. Furia said, "I will only have
12 a grid and I won't live with anything else."
13 He's come a long way. He's come a long way.

14 MR. FURIA: Rich, there's no choice.
15 Let's make it clear, okay? The Town of
16 Brookhaven proposed a 12 unit two acre
17 cluster. When I challenged it, they told me
18 to sue them. I am not suing anybody. By now
19 you must realize, I am not suing you.

20 I had a choice to make a while back and
21 the choice was to litigate or do the
22 environmental work and comply. I chose to
23 comply. Every step of the way with whatever
24 you asked me to do, I complied.

25 Ultimately, if I don't get a building

2 permit, I guess it's going to be litigation.
3 The question is, okay, will I win or will you
4 win? Certainly the attorneys will win, but
5 that's the way we're going.

6 Go ahead Rich.

7 MR. JACKSON: The last time I spoke in
8 front of the board I brought this map where I
9 put together the ground water, divide the
10 regional ground water, divide the red arrows
11 with the ground water movement direction.

12 I don't know if it's necessary for me to
13 put that up there. I think it's, without a
14 doubt, that, in fact, there is no
15 geohydrological difference between the north
16 of County Road 111 and the south of County
17 Road 111. I've indicated, because
18 scientifically I can't tell the difference,
19 nor can anybody else. I question why was
20 that line drawn down County Road 111 in the
21 first place? Core preservation verses growth
22 compatible. I can't figure out why.

23 So I called it what I saw it as, a
24 geographical political boundary. I've had no
25 one yet to refute that. So I believe that.

2 It's a geographical political boundary. This
3 is not ground water that we're worried about
4 here.

5 This proposal that Mr. Furia is coming
6 for tonight is one house on 70 acres of land.
7 If you deny one house on 70 acres of land, I
8 would like to know how you are violating core
9 preservation? Because if you can develop
10 that 70 acre zoning, I don't believe there's
11 a place on Long Island that's got 70 acre
12 zoning.

13 Environmentally rain water is causing
14 almost the same amount of impact in that
15 ground water, as this single family home. I
16 don't know how you can refuse it. And if you
17 can't refuse it in scientific basis, open
18 space basis. He's going to put it anywhere.
19 He'll put it right here near Hot Water
20 Street. All that other land is open space.
21 You can't deny it on open space, you can't
22 deny it on ground water, you can't deny it on
23 wildlife. I don't know how you can deny it.

24 I have spent the last four or five years
25 of my life working on this project with this

1 man. And I've watched him go through the
2 grid pattern, to the cluster pattern, and the
3 arguments and the back and the forth, and the
4 bottom line, this isn't science. He doesn't
5 need a Ph.D to sit here and expound about the
6 wonderful things about the pine barrens. It
7 has nothing to do with science folks, you
8 know it has nothing do with science. It has
9 to do with we don't want anything there.

10
11 Why? I don't know. I can't figure it out.
12 I'll have to get another Ph.D in something
13 different, maybe political science because I
14 can't understand this whatsoever.

15 And I get more emotional than he does
16 because I've been fighting environmental
17 matters for 20 years. I don't understand
18 this. I don't understand how you can deny
19 it. And I'd be happy to go to court on Mr.
20 Furia's behalf and argue these exact same
21 things in a court of law. If you can't allow
22 one house on 70 acres, I don't know what's
23 better than that. I don't know what more
24 this guy can do for you.

25 MR. FURIA: Let me interrupt a minute.

MR. JACKSON: No, I'm finished.

16 And Carol Swick only told me that last
17 week. Of course, I already knew it. But
18 Gladys Gentile said to me only recently, she
19 says "Rus, I can't comment, it's a legal
20 situation," but she says "I want you to know,
21 a lot of people in the Town of Brookhaven now
22 have sympathy for you." Translation, I think
23 of that means, they did their best to deny
24 the two acre zoning and bring it to five
25 acres. And they did their best to deny the

1
2 five acres zoning. Stall and delay, stall
3 and delay.

4 What they didn't count on, was that I was
5 going to wind up losing hard cash after a
6 decade. And you know, some people when it
7 gets down to that point, they start to
8 picture themselves in the same situation.
9 And all of this these people all have the
10 same opinion. This property is buildable.

11 If Mr. Amper would like to save this
12 whole area, I can understand a need to save,
13 I can understand a need for open
14 preservation, I can understand a need to try
15 and protect the water resource. But I don't
16 think you're going protect the water
17 resource, if you allow the development to go
18 from one side of the road, or one particular
19 area in the aquifer to another particular
20 area in the aquifer. You're hypocrites.
21 Unless there is something, okay, that I
22 haven't learned along the way about what's
23 going on, and I've lived this problem now,
24 for a decade. This is a sad, sad situation.

25 People say, "TDR, TDR." Forget about the

2 TDR. Hasn't worked in other parts of the
3 country, I don't expect it's going to work
4 that well here. The civic groups are going
5 to lobby against it. Dick Amper's got to
6 lobby against it sooner or later. The man's
7 got to be reasonably sane, he's hung in here
8 this many years. He must see what's going
9 on. All right?

10 Yeah, he's a lunatic on the soccer field,
11 I should say that. Dick, you should let the
12 soccer field go. Let the kids play. But he
13 has his bases and there's probably some truth
14 to his bases, and we should all be
15 environmentalists to a certain extent but
16 this has become ludicrous.

17 There's ways to handle this problem. Put
18 a tax on every homeowner's property tax bill,
19 50 or 100 bucks a year. Purchase the pine
20 barrens. Go out and offer a more realistic
21 number for the people that have active
22 applications going. I have an active
23 application going. I spent a small fortune
24 to try too get a building permit. I have no
25 building permit. There's ways to deal with

2 this.

3 Environmentally, it doesn't make any
4 logic to TDR from one side of the road to the
5 other side of the road. Think about the
6 floors and the logic that we're talking about
7 here. If this case comes to a court of law
8 and we are not here tonight to decide what
9 the outcome will be, but just think about the
10 logic if this case came before a jury. What
11 would that would that jury do?

12 If you tell me I have residual value in
13 my property because I didn't TDR from one
14 side of the road to the other side of the
15 road, do I have residual value? Can I find
16 somebody to buy my TDR's? Is his life
17 expectancy greater than mine if it takes a
18 decade to get a building permit? Is his
19 financial condition better than mine? Is my
20 financial condition capable of starting an
21 application today?

22 Lee Koppelman told me in a conversation
23 TDR is probably five years away. By the time
24 they work out the bugs, okay, with the pine
25 barrens law, by the time they sell the public

2 and devise a way for it to work, by the time
3 the builder shows up and says, "Yes, I am
4 going to build these houses and I am going to
5 buy your TDR only when I close on the house."
6 At closing, he will be looking to pay you, we
7 are talking five years before you might get
8 your money for your property. That means a
9 guy like me that's been here for ten years
10 already, has got to go another five years.
11 Maybe if I'm lucky, by the time I hit
12 retirement age, I might get a check out of
13 this. I mean really that's what it's
14 starting to really look like.

15 There's some really serious problems
16 going on here, but regardless, I think
17 tonight we are here to ask for one house --
18 watching the clock George, huh?

19 CHAIRMAN PROIOS: I was just about to say
20 if you want to add anything else?

21 MR. FURIA: We are here for one house on
22 69 acres. And if you deny this one house on
23 69 acres, I'm going to have to take a real
24 hard look at what I could do with this
25 property. I might have to grow live stock.

2 I mean, what am I going to do? The County's
3 offer -- either that or I take a loss and I
4 and take the County's offer. I've been
5 walking around all week trying to decide
6 whether to take that offer or not. Do I take
7 the offer or do I litigate? Maybe I should
8 see if I get the one house. So that's why we
9 came here tonight, to ask for one house.

10

11

CHAIRMAN PROIOS: Any members of the

commission have questions?

12

MS. ROTH: I have some questions.

13

14

MR. FURIA: I've got to tell you, if you
make the offer more reasonable so that I can
maybe get my money --

16

17

CHAIRMAN PROIOS: Unfortunately, we're
not in the position so I'm --

18

19

MR. FURIA: I know, but you're in the
position --

20

CHAIRMAN PROIOS: What the County does --

21

22

23

24

25

MR. FURIA: You're in the position to

recommend. All right? And for those people
that sit up here, without pointing any
fingers because I got to tell you, I can name
dates and names on everything. I mean, this

2 has become a religion to me. I know about a
3 lot of the meetings that the County had with
4 the Town and the Town had with the County and
5 the SGPA and the State and how everybody's
6 met and talked with each other. Funny thing,
7 people can't keep a secret. And I know
8 everybody has discussed and spoken on many
9 occasions. "This is where his application's
10 at, this is what's going on. We're going to
11 do this, we're going to do that." All right?

16 I want to thank you for your time and I
17 hope that somehow or another, we can mutually
18 resolve this problem, that I can either get
19 my single family house or a more reasonable
20 offer for the property. That Mr. Amper, I
21 guess if I get a single family house, I guess
22 he won. Do you win Dick if I get a single
23 family house? Or is one house too much for
24 the property?

25 CHAIRMAN PROIOS: All right. Brenda had

2 a question.

3 MS. FILMANSKI: The portions of the
4 parcel that are cleared, regarding cultural
5 use, how large are those areas?

11 MR. FURIA: More than that. I think it's
12 about 11 or 12.

13 MS. FILMANSKI: How many such areas are
14 there? Are there just two or more than two?

15 MR. FURIA: There's two.

16 MR. JACKSON: Two main areas.

17 MR. FURIA: I think there's three areas
18 altogether. We have this area, which I
19 basically call field one and then we have
20 field two and we have field three. It would
21 be a nice place for a house. Of course, on
22 70 acres, there's a lot of nice places for a
23 house.

24 CHAIRMAN PROIOS: Ms. Roth.

25 MS. ROTH: Yes. Mr. Furia, do you have

2 an application with the Town of Brookhaven
3 for a single family dwelling? And if you do,
4 what is the status of that application?

5 MR. FURIA: The application has been with
6 the Town of Brookhaven since 1990. I tried
7 to submit it as early as 1988 but the Town
8 wouldn't accept it because of the pending
9 subdivision.

10 MS. ROTH: Has there been any action on
11 that application for a single family
12 dwelling?

13 MR. FURIA: The drawing that you see,
14 that I gave you, they had me do several
15 changes to that drawing and the original
16 house that I submitted was in another part of
17 the property which was little hillier, closer
18 to County Road 111 in the exact corner of
19 County Road 111 on the north side of Hot
20 Water Street, and they wanted the so much
21 extensive work done on the retaining wall
22 that I just didn't want to argue with him
23 about retaining walls. So we moved the house
24 to the other side of the property.

25 So the Town has done some work on it.

2 You know, they stipulated that I needed a
3 gravel driveway and didn't have to blacktop.
4 I think there were a few other things that
5 they stipulated and we complied. You know,
6 drain wells around the house for runoff water
7 and, you know, every time the Town said to
8 comply, we complied.

9 MS. ROTH: Does that application indicate
10 the house in a specific location?

11 MR. FURIA: Yes, it does.

12 MS. ROTH: Is it the same location as on
13 those drawings?

14 MR. FURIA: There's two houses. The
15 first one is on the north side of County Road
16 -- I mean the north side of Hot Water Street
17 about 753 feet off of County Road 111 and the
18 second one, which I showed you tonight, is
19 200 feet in front of the vegetation line, not
20 the actual water line.

21 MS. ROTH: Do these two drawings indicate
22 two different locations for the house?

23 MR. FURIA: No. That drawing only
24 indicates the pond location. The other
25 application I basically told the Town to stop

1
2 working on it. It had so many changes, it
3 just --

4 MS. FILMANSKI: There are two
5 applications before the Town of Brookhaven?

6 MR. FURIA: There are two -- yeah, two
7 applications -- well, one application is in
8 and were there two different proposals.

9 MS. FILMANSKI: And this is for the
10 straight building permit or is some other
11 permit required?

12 MR. FURIA: This is the straight building
13 permit, for one house. The only other thing
14 I have to do is I have to do a wetlands
15 permit because there's a small kettle hole to
16 the side of Hot Water Street. Actually, I
17 could show you on the map.

18 MR. JACKSON: It doesn't show up very
19 well on the aerial photo. It's such a small
20 wetland.

21 MR. FURIA: You can't see it. It's a
22 very small wetland, it's on the south side of
23 Hot Water Street about 500 feet east of
24 County Road 111. It's a -- it abuts the
25 right of way, and it sits on the piece of

2 property that Mr. Mancini donated to the Town
3 as part of his 438 acres, to put the house on
4 the other side of the road.

5 So I had a wetlands hearing, okay, and
6 that wetlands hearing was done on April 5,
7 1994 before the Town of Brookhaven Board and
8 it's been held over for decision and on the
9 18th they held it over for decision. And I
10 was advised today that they're probably
11 holding it for decision based on -- they're
12 waiting for the pine barrens commission to
13 rule whether or not I can have the single
14 family house.

15 If you people rule that I can have a
16 single family house, I expect that they will
17 approve that and then I will go on the Town
18 Board calendar probably within 30 days for
19 permission to pave Hot Water Street. John
20 Jacoby has tentatively established a bond
21 amount of \$85,000 to pave Hot Water Street
22 and to approve it with drainage. And that
23 would be it, okay? Upon the approval of
24 paving of Hot Water Street, the Town would
25 issue the building permit to make for the

2 house.

3 MS. ROTH: Mr. Furia, do you have a plot
4 plan showing the plantable structure and the
5 roadway into the property or that's all you
6 have? These are the only drawings you have?

7 MR. FURIA: That's it.

8 MS. ROTH: This one is showing one
9 structure. Are you proposing any accessory
10 structure?

11 MR. FURIA: No. As a matter of fact,
12 that shows a 4000 square foot house. This
13 has gone on so long now, I'll probably build
14 a 1500 square foot house.

15 MS. ROTH: So this is not what you're
16 actually proposing, the prints or it is?

17 MR. FURIA: No, it's what I'm proposing.
18 Accept it as my proposal. It was for a 4000
19 square foot house. Accept it as my proposal.

20 MS. ROTH: You are not proposing any
21 accessory structure?

22 MR. FURIA: No, we're not.

23 MS. ROTH: Do you have any idea how much
24 land has to be cleared to locate the dwelling
25 where you placed it on that drawing?

1
2 MR. FURIA: Clear whatever you allow me
3 to clear; half an acre, an acre.

4 MS. ROTH: What is required?

5 MR. FURIA: We were probably going to
6 clear close to an acre, three quarters of an
7 acre.

8 MS. ROTH: At this particular location?

9 MR. FURIA: Yes.

10 MS. FILMANSKI: That would include the
11 driveway, the access route?

12 MR. FURIA: Yes. The surveyors
13 calculations were something like .77.

14 MR. JACKSON: And the re-grading and the
15 clearing would not be --

16 MR. FURIA: Let me say one thing. It's a
17 selective clearing. I don't plan to totally
18 annihilate all the trees on the property. I
19 will be saving the bigger, older, mature
20 trees.

21 MR. JACKSON: And also, there would be no
22 re-grading in such a way that the swale that
23 eventually leads to the wetlands would be
24 encroached upon. So if there was any
25 erosion, it certainly wasn't going to go that

2 way. That's one of the advantages of having
3 these hills between the house and the
4 wetlands.

5 MS. ROTH: Will there be any re-grading?

6 MR. JACKSON: Well, as he said, there
7 will be clearing, re-grading generally in
8 this and it will just be to level an area for
9 of the house. Mr. Furia will probably put
10 the house on the most level part of that
11 particular area.

12 MR. FURIA: The property of that area is
13 pretty level. The map that I've presented to
14 you shows two foot increments of the change
15 in elevation of the property. And as you can
16 tell, it's pretty level.

17 MS. ROTH: And that particular part, that
18 location where you're proposing the
19 structure, is not a cleared area right now,
20 it's not in one of those two large cleared
21 areas that you showed?

22 MR. FURIA: No, it's not cleared.

23 MR. JACKSON: Even in the area that he
24 was re-grading, except for the house, there's
25 some nice trees in that area. Certainly

2 those would add to the ascetics of the house.
3 So there would be no real need to the cut
4 those down, unless they're right next to the
5 house or in the spot the house would go. It
6 would be its common mitigation, as you know,
7 when doing vegetation type clearing, even
8 landscaping, to leave the mature trees where
9 they are.

10 MS. ROTH: Would it be possible for you
11 to submit something indicating more precisely
12 the amount of clearing that you have to do in
13 terms of, perhaps number of trees or size of
14 trees?

15 MR. FURIA: We refuse. We are going to
16 clear half an acre. Please, okay. I mean
17 how many more reports do I have to do? We
18 are going to clear half an acre, three
19 quarters of an acre, tops.

20 MS. ROTH: Maybe you could submit some
21 photographs of --

22 MR. FURIA: Fine. I will submit the
23 photographs. I will go to the site tomorrow
24 morning.

25 MS. ROTH: -- or the site, of the

2 location you intend?

3 MR. FURIA: You are asking for things now
4 -- I mean this is incredible, okay? You are
5 asking me, I've got a 69 acre piece of
6 property and you're trying to tell me, don't
7 clear trees for even a half an acre. I mean
8 you are getting 68.5 acres of property, okay,
9 that the trees aren't being cleared on.

10 I mean we shouldn't have to even discuss
11 the issue, okay, I'm not a lunatic, I am not
12 going to clear all the trees around my house.
13 Have you ever cut a tree down? The expense
14 of cutting a tree down? It's a very, very
15 substantial expense to cut and remove trees.
16 Half an acre, you cut the trees down on half
17 an acre, you might spend \$5,000.

18 We are now talking about a working man
19 that makes a living, okay? I am not a rich
20 person. I make a living, I work hard. You
21 have my money, you have my savings, you have
22 my inheritance, you have any life, okay.

23 I am asking you to put one house on this
24 piece of property. I am not asking you to
25 clear the entire piece of property, I am not

2 asking you clear 10 acres. I am talking
3 about clearing just a little spot, you know,
4 just a little area, okay, on this very, very
5 significant investment that I've been working
6 on and paying on for 10 years.

7 CHAIRPERSON PROIOS: Okay. Thank you.

8 Anymore questions?

9 MR. FURIA: Which I might add, still has
10 a mortgage on it.

11 CHAIRMAN PROIOS: Any members --

12 MR. FURIA: I'd like to add one other
13 thing, too, to show the hardship. The bank
14 who has this mortgage, the vice president of
15 that bank ran into a Town of Brookhaven
16 attorney at a fund raiser and as a result of
17 that vice president running into the Town
18 attorney, who told him, that the property was
19 not buildable, the bank escalated my f--en
20 payments back to the bank. All right?

21 Creating hardship. I had to sell personal
22 assets to get the bank to avoid foreclosure
23 because they called the demand note on the
24 property. They wanted all their money back.

25 CHAIRMAN PROIOS: Okay. Thank you. Does

2 anybody from the audience like to speak?

3 MS. WIPLUSH: I'd like my objection noted
4 for the record. I object for the record
5 about regarding Mr. Furia's inferences to the
6 Town attorney speaking to the vice president
7 of the bank. He just stated his inferences
8 that mortgage of the money, is that what he
9 referred to?

10 CHAIRPERSON PROIOS: Interest on the
11 property.

12 MS. WIPLUSH: Interest on the property.

13 CHAIRMAN PROIOS: Steve Jones, please.

14 MR. JONES: My name is Steven Jones, I am
15 the Planning Director for the County of
16 Suffolk County. Just a two word question.
17 That's it? One house on 68 acres, that's it?

18 MR. FURIA: That's it.

19 MR. JONES: That's it, okay.

20 CHAIRPERSON PROIOS: Dick.

21 MR. AMPER: I am Richard Amper. I'm
22 Executive Director of the Long Island Pine
23 Barrens Society. Like the commissioners, I'm
24 not quite sure how to react to this either.
25 Mr. Proios, not given to embarrassment,

understandably uncomfortable about the
applicants presentation concerning their
conversations. Mr. Riley, amused as I am
about the absurd, ludicrous, non-sensible
ramblings of an unsuccessful real estate
speculator. Commissioner Pulmanski,
demonstrably unamused by the cost of the tax
payers and the waste of everybody's time.
You're all right. We can't make a
distinction between this kind of application
and the businesses commission has to address,
we are indeed in serious trouble.

14 I don't know what to say either, but I
15 bet I can do it in a lot less time than the
16 last fellow who didn't know what to say.

2 But what has been presented in front of
3 you either could make you angry or make you
4 amused, but it's what we and the
5 environmental community call a bacon bit. It
6 represents itself to be a new proposal. It
7 represents itself to be an opportunity for
8 the public to get something for nothing or
9 even for fair market value. The applicant's
10 never been willing to do that before and this
11 particular application does not represent
12 that now.

13 Twice the people of Suffolk County have
14 offered to pay fair market value to the
15 applicant, the applicant comes to you and
16 represents you should grant him a hardship
17 exemption because he made a bad investment
18 and the area most important to the people of
19 Long Island, even fair market value, has lost
20 his shirt. I don't know or care whether this
21 constitutes a win or a loss for Mr. Furia.
22 The people of the State of New York have made
23 a commitment, a decision. That we are going
24 to draw the line at some point and the lines
25 been drawn. And they have defined a hardship

2 as relating to the nature of the property and
3 not to be unconvinced of a real estate
4 speculator.

5 The application in front of you does not
6 in any way preclude the future development of
7 other homes on that property. There is no
8 dedication of the land to the nature
9 preserve. There is no argument that the
10 construction of the single house will result
11 in the preservation of the remaining 69
12 acres. In fact, there is routinely
13 contradictory evidence indicating the
14 applicants intention to proceed with other
15 remedies and other opportunities to develop
16 precisely what you turned down previously.
17 This is a fraud.

18 Dr. Jackson has indeed become more
19 emotional than his profession will vent. He
20 is defending the construction of this single
21 house on 70 acres when scientifically that's
22 not what's in front. You need to review his
23 application.

24 This application, in addition, is
25 incomplete. There's no wrong environmental

2 assessment form having been supplied. He
3 cannot and, in fact, has refused to supply
4 information on what indeed he intends to do.
5 In our judgement, because there is no
6 intention whatever, to trade the construction
7 of a single family home for the preservation
8 of 68 and more acres.

9 Now, I have not always agreed with the
10 commission, but I have never ever treated you
11 as though you were so transparently gullible
12 as to buy on to still another effort to
13 reject fair market purchase of this property,
14 by his neighbors, in return for a effort to
15 develop land that the people of the State of
16 New York say, now needs to be preserved.

17 I ask in future meetings that the
18 chairman and general counsel, restrict the
19 applicant to addressing strictly, the matters
20 of the hardship application so that the
21 dollars being consumed by the tax payer for
22 this bogus exercise, may be devoted to paying
23 fair market value, decidedly just more than
24 compensation, to an applicant who has tired
25 us all and left us with precious little

2 sympathy.

3 There are 3000 private property owners
4 waiting to have their legitimate concerns
5 addressed and three months prior, to the
6 completion of the planning process, this
7 commission continues to be dominated by the
8 illegitimate and inaccurately stated demand
9 of a single private property owner who is not
10 a frustrated homeowner, trying to build his
11 homestead, but a failed real estate
12 speculator who sought to make a million
13 dollars by building in the area most
14 important to the people of Long Island. If
15 he fails, that is not your concern, nor ours.

16 Fairness under the laws dictates that he
17 be offered just compensation, and so he has.
18 The abuse of this process now must stop.

19 Thank you.

20 CHAIRPERSON PROIOS: Anyone else? Buzz.

21 MR. SCHWANK: My name is Edwin M.
22 Schwank, Executive Director of the Long
23 Island Builders Institute.

24 Mr. Furia stated here tonight that on
25 occasion he has thought, with respect to the

2 monies that have been offered by the County,
3 whatever that number was, for the purchase of
4 the property, he has given it some
5 consideration.

6 I am just wondering, this is not a
7 condemnation process. Whether or not Mr.
8 Furia has tried to enter into negotiations
9 with the County to up that number to what
10 might be an acceptable number in his mind.
11 or whether or not he has just taken that
12 number that's been offered and said, that's
13 it and I'm not going to buy it except for the
14 fact that he is giving it a little
15 consideration.

16 MR. FURIA: I'll respond to that. I
17 called Mr. Fishbine and I talked with Mr.
18 Fishbine and he indicated it was a take it or
19 leave it situation. I tried to negotiate it.
20 I've spoken to Mr. Jim McGano, the pine
21 barrens attorney, and I asked him what he can
22 do and he told me that nothing has been very
23 fruitful. I spoke to Mr. Lee Koppelman who
24 indicated he was going speak to Mr. Gaffney
25 and Mr. Gaffney, okay, did not comment but

2 the attorney for the County of Suffolk did
3 comment that it wasn't Mr. Koppelman's place
4 to try to influence what the County was
5 willing to pay for the property and whether
6 Mr. Koppelman is very knowledgeable with the
7 property.

8 CHAIRPERSON PROIOS: In all fairness,
9 really the impact of what the County offered
10 you has no bearing whether the County made an
11 offer or didn't make an offer. This is a
12 hardship case and I think that needs to stand
13 on it's own merits.

14 MR. FURIA: If I can discuss Mr. Amper's
15 situation. Mr. Amper, okay, there would be
16 29 development rights left on this piece of
17 property. All right? And I was hoping, and
18 I know for a fact, that I could move these
19 development rights some place else, slowly
20 but surely perhaps, over the years. We are
21 talking very slowly and of course, there
22 would be a dedicated effort on my part to
23 move them over the years.

24 CHAIRPERSON PROIOS: Thank you.

25 Is there anybody else from the audience

2 that would like to speak?

3 MR. DARROW: My name is Kim Darrow. I
4 am representing the Long Island Greenbelt
5 Trail Conference.

6 I have a written statement which is
7 the -- this is the original and there are
8 additional copies for each member of the
9 commission. I'm not going to read the entire
10 statement, it speaks of itself. Also
11 attached to it I included a copy of the
12 statement that I submitted at the first
13 hearing on Mr. Furia's original application.

14 I just want to make a few observations.
15 The reason that I've included the copy of the
16 letter on the first application is that this
17 new application is essentially, except for
18 the scope of the project itself, this new
19 application is essentially a re-submission of
20 the first application, complete with the same
21 misspellings, typographical errors, et
22 cetera. It even in one point refers to 12
23 homes rather than one home.

24 The commission, of course, rejected and
25 denied the first application as not meeting

2 the hardship criteria of the Long Island Pine
3 Barrens Protection Act. And the new
4 application has given no additional reasons
5 at all which are addressed to the criteria
6 for a hardship exemption under this Pine
7 Barrens Protection Act. So that the
8 applicant has given no bases for the
9 commission to act differently on this
10 application than on the first application.

11 I would note that in this, the
12 presentation of Mr. Furia and Dr. Jackson
13 tonight, which I think remarkably went on
14 almost slightly longer than it did the last
15 time, they once again, have virtually not
16 addressed at all, the hardship criteria in
17 the Pine Barrens Protection Act. Now, Dr.
18 Jackson, perhaps has not read the Act,
19 apparently saying that the criteria are about
20 protecting water quality. That is not what
21 the hardship exemption criteria is about.
22 They addressed a hardship, which is created
23 by unique characteristics of the land.

24 I would also, and I have noted in the
25 written statement, that the application is

2 incomplete. Now, Mr. Furia has apparently
3 presented the more specific plans here
4 tonight, indicating where on this site he
5 indents to put the house and the application
6 should have addressed that and should have
7 perhaps, confined itself to addressing what
8 characteristics, if any, of the portion of
9 the parcel where he intends to build the
10 house, are unique in such a way that they
11 would qualify it for a hardship exemption.
12 His application has not done that.

13 I would suggest that if he is really
14 serious at all about trying to obtain a
15 hardship exemption then perhaps, if this is
16 not the case in terms of the plans that he
17 submitted, that he should be taking about a
18 plan which would put his one house on one of
19 the degraded areas of the parcel, perhaps
20 near a road, and would address what is going
21 to happen to the remainder of the parcel.

22 Mr. Furia mentioned the County's offer
23 which he indicated that he has thought about
24 and it seems to me that, in terms of talking
25 about that, he's sort of created a catch 22

2 for the County and that is by repeatedly
3 making statements to the effect that there
4 are no valid comparables. He's set up, he's
5 set up a situation where the County couldn't
6 possibly make him a fair offer because no
7 matter what offer they made him, he could
8 again pull out this statement and say, well
9 there are no valid comparables, there have
10 been no sales at fair prices in the last X
11 number of years, your offer is not a fair
12 offer. I think that his real remedy here
13 does indeed lie in undertaking serious
14 negotiations with the County for the public
15 protection of the land.

16 I want to emphasize two other things.
17 First, Mr. Furia's basic argument really
18 seems to be with the Pine Barrens Protection
19 Act. He attacked it in a number of ways.
20 He's attacked the drawing of the boundaries.
21 Sure they're political, but politics isn't a
22 dirty word, it involves compromise and
23 this -- it was a law that was hard won and
24 it wasn't dictated by any one person or any
25 one group, it was results of compromise and

2 we've got a core area which the legislature
3 has agreed with, the people that should be
4 protected and if Mr. Furia is dissatisfied
5 with the boundaries of the core then the
6 legislature will be considering amendments,
7 suggestions to the legislature.

8 The other point in his application which
9 he didn't mention tonight, but he did in the
10 past and it is in his application, in his
11 application he referred to this property, and
12 I suppose indirectly, he suggested it by his
13 constant references to the line along 111,
14 but he argues that because his parcel is, as
15 he puts it, on the fringe of the core, that
16 it's somehow not truly in the core as it
17 would be if it was further out in the
18 interior. Now, that's just patently an
19 absurd argument and it's been made from other
20 quarters and I think the commission should
21 lay that argument to rest with as much
22 finality as possible at this point. The
23 entire core is an area that the public,
24 through its legislature, has deemed worthy of
25 perfection. You've got to draw the line

2 somewhere and the fact that particular parcel
3 is on that boundary line or near that
4 boundary line doesn't make it less worthy of
5 protection as long as it's within the
6 boundary line. If you look at a map of the
7 core and you all looked at it, it's -- the
8 boundary is in an amazingly circuitous
9 boundary. I don't know what the total length
10 of the boundary is except that it's probably
11 well over 100 miles and if you took all the
12 parcels and totaled all the acreage of
13 parcels that lie along the quote "fringe," I
14 think you would find that they make up a
15 substantial, if not a majority of the core.
16 So, that's just playing a bogus argument and
17 shouldn't be given any credence by the
18 commission.

19 I would say that the application, this
20 application for a hardship exemption as it
21 stands, should be rejected. It gives no
22 reasons which were not given in the original
23 application for qualifying for an exemption
24 and that application was rightly denied and
25 this one should also be denied. Thank you.

2 CHAIRMAN PROIOS: Thank you.

3 MR. DARROW: Just one other thing. If
4 the commission were to even consider this, in
5 any way granting the application, I would
6 call the commissions' attention to its
7 authority in the Pine Barrens Protection Act
8 in the subdivision 10 of Section 57 01.1 of
9 the Law, which gives it the authority, if the
10 grant an exemption, to do so subject to
11 appropriate conditions or modifications.

12 And I would suggest that the only way
13 that granting of an exemption should be
14 considered by the commission, is if there is
15 some condition placed upon it which insures
16 to the public that the remainder of this
17 parcel, which is not used to build this
18 house, would be protected in perpetuity for
19 the public as part of the core preservation
20 area, added to the preserve, along with the
21 neighboring lands in the Manorville Hills.

22 Thank you.

23 CHAIRMAN PROIOS: Thank you. Are there
24 any other member of the audience that wish to
25 make any comments? If not, then I will call

2 the public hearing to a close. We will leave
3 the comment period open for a period of 10
4 days, I believe?

5 MS. ROTH: No, it's not necessary. We
6 are holding it open for them to submit the
7 photographs.

8 CHAIRMAN PROIOS: How long before you
9 think you might be able to have the
10 photographs?

11 MR. FURIA: Take the pictures tomorrow or
12 Saturday, you could have them on Monday.

13 MS. ROTH: You want to give them till
14 Wednesday?

15 CHAIRMAN PROIOS: Ten days would make it
16 May 2nd so...

17 MR. FURIA: You can't postpone the
18 decision.

19 MS. ROTH: The decision would be on
20 the -- actually the meeting will be on the
21 2nd. Let's say the 27? Could you have the
22 photos by next Wednesday the 27th, to the
23 Commissions' Office?

24 MR. FURIA: Yes

25 CHAIRMAN PROIOS: The 27th?

2 MS. ROTH: Yes.

3 CHAIRMAN PROIOS: Okay. We will leave it
4 open for additional documentation to the 27th
5 of April.

6 MR. FURIA: While we're talking here,
7 okay. You know, everyone's hanging to the
8 one house. How do we know it won't be more
9 than one house? How many houses are you
10 going to build? Could there possibly be an
11 accessory structure such as a shed or a
12 garage or something like that? Or perhaps a
13 barn, okay? There's always that possibility.
14 All right? I don't foresee it being a
15 development, but what I do see is a very
16 difficult time to try to sell development
17 rights. I see that I won't be in the drivers
18 seat, I'll be at somebody else's mercy. I
19 see that I want a house on that property and
20 a place to live and I paid the price to live
21 on that property and I want to live there.
22 Of course, money talks. A reasonable offer
23 might sway me else wise.

24 CHAIRMAN PROIOS: Thank you very much.

25 MS. WIPLUSH: I'd like it noted for the

2 record, my objections to Mr. Furia's remarks
3 concerning the Town Attorney's Office of
4 Brookhaven and the Town as having no bases
5 for a lot of those remarks.

6 MR. FURIA: What was that?

7 MS. WIPLUSH: I'm noting for the record
8 my objection concerning your remarks
9 concerning the Town Attorney's Office and the
10 Town of Brookhaven, in general.

11 MR. FURIA: Fine.

12 CHAIRMAN PROIOS: Thank you everyone for
13 coming.

14 (Whereupon, the within hearing concluded
15 at 9:10 P.M.)

16

17

18

19

20

21

22

23

24

25

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

I, Amy M. Eberhart, a Notary Public of the
State Of New York do Hereby certify:

That the testimony in the within proceeding
was held before me at the aforesaid time and place.

That said witness was duly sworn before the commencement
of the testimony, and that the testimony was taken
stenographically by me, then transcribed under my
supervision, and that the within transcript is a true
record of the testimony of said witness.

That the testimony in the within proceeding

was held before me at the aforesaid time and place.

That said witness was duly sworn before the commencement
of the testimony, and that the testimony was taken
stenographically by me, then transcribed under my
supervision, and that the within transcript is a true
record of the testimony of said witness.

I further certify that I am not related to
any of the parties to this action by blood or marriage,
that I am not interested directly or indirectly in the
matter in controversy, nor am I in the employ of any of
the counsel.

IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of April, 1994.

Amy M. Eberhart
AMY M. EBERHART