

2 MR. PROIOS: The second application is for  
3 the core preservation area by John DeMauro. The  
4 project is a proposed single-family dwelling to  
5 be built on a one-acre parcel located on the  
6 west side of Sally Lane 200 feet south of Big  
7 Pine Road in Ridge.

2 the land out of a 465 foot deep piece of  
3 property. That's basically what it is.

4 MR. COWEN: Are you proposing a residence  
5 that has a larger footprint than the one that  
6 was there?

7 MR. MANZI: We are proposing a size house  
8 that is 55 by 25, approximately, which is, I  
9 believe, a little larger than what was there.  
10 That house was added on. It was an older house.  
11 Looks like it was probably about the same size,  
12 it looks like, just that it would be straight on  
13 the plot.

14 MR. RIGANO: What year did the other house  
15 burn down?

16 MR. MANZI: I have no idea.

17 MR. RIGANO: But at least of as of 1972.

18 MR. MANZI: There was a house on it in  
19 1972.

20 MS. WIPLISH: Are you making a hardship  
21 application?

22 MR. MANZI: Yes.

23 MS. WIPLISH: Could you just state the  
24 criteria that you believe you qualify for the  
25 hardship application?

2                   MR. MANZI: I don't know. The woman has to  
3 sell the property. I believe she is in the  
4 process of losing it to the Town. The only way  
5 she is going to get out of it is by our buying  
6 the property from her, at this point. If not,  
7 she is going to lose, basically, everything.

8                   MS. WIPLISH: But nothing was on the  
9 property after the fire in '78?

10                  MR. MANZI: As far as I could find out,  
11 they dug a hole and pushed the foundation into  
12 it. Someplace on that piece of property there  
13 is a foundation but it doesn't show in the  
14 pictures or anywhere.

15                  MS. FILMANSKI: Do you know when that was  
16 done?

17                  MR. MANZI: No.

18                  MS. FILMANSKI: Are we talking five years  
19 or twenty years?

20                  MR. MANZI: After '72. I don't know when  
21 the actual fire was.

22                  MS. FILMANSKI: There was a house here and  
23 it burned?

24                  Mr. MANZI: Yes.

25                  MS. FILMANSKI: How big is the parcel?

2                   MR. MANZI: It's 100 by 465, but with the  
3 covenant on it the Town of Brookhaven is  
4 requiring, it will only wind up with usable  
5 land of 240 feet deep by 100 foot wide.

6                   MR. RIGANO: Does that meet the current  
7 zoning of the Town, you didn't need a variance?

8                   MR. MANZI: No. The only thing it fell  
9 into was it's a Wetland, and we had to get the  
10 approval from the State Department of  
11 Environmental Conservation. Mr. Robert Thurber  
12 was out on vacation. I have been trying to get  
13 in touch with him.

14                  MR. RIGANO: There are houses in the area,  
15 it is a fairly well developed residential area?

16                  MR. MANZI: As the photos show, they are  
17 all around the place. There are only a few  
18 empty parcels. At the dead-end there are empty  
19 parcels, that's about it. Across the street and  
20 to the left of the property there is a vacant  
21 lot, but to the right there are houses all the  
22 way down until you get to the big area that's  
23 vacant. Next door there is a house 92 Sally  
24 Lane, 96 Sally Lane, 98 Sally Lane is actually  
25 more of a nursery type area.

2                   MR. COWEN: What's the character of the lot  
3                   as far as vegetation?

4                   MR. MANZI: It's approximately 155 feet  
5                   high grass where the original house was.

6                   MR. COWEN: For the total width of the  
7                   property?

8                   MR. MANZI: After that it starts all wooded  
9                   area for about another 100 or 50 feet. I didn't  
10                  get past that point because there was so much  
11                  heavy woods.

12                  MR. COWEN: Your intention is to have the  
13                  building envelope and all the appurtenances  
14                  within that grassed area?

15                  MR. MANZI: Within that area, right. The  
16                  cesspool may have to take a couple of feet, but  
17                  I don't think so. They are showing it 70 feet  
18                  back from the house and we have a 30 foot house,  
19                  figure probably another 35 foot. We may have to  
20                  clear a few feet, maybe 10 feet, if we have to  
21                  go into the wooded area, but we are going to try  
22                  not to.

23                  MR. COWEN: Do you happen to know how long  
24                  this particular woman has owned the property?

25                  MR. MANZI: 1985.

2                   MR. COWEN: So you have filed an  
3                   application for a fresh water Wetlands permit?

4                   MR. MANZI: Yes. I believe it's on the  
5                   letter.

6                   MR. COWEN: What sort of interaction have  
7                   you had with the Department of Environmental  
8                   Conservation on that application? Have they  
9                   told you what the conditions of the permit might  
10                  be?

11                  MR. MANZI: Well, the Town took over  
12                  control of it. They became the lead agency.  
13                  They know the 30 day moratorium on it. That was  
14                  up as of October 26th. The Town approved, to a  
15                  degree of just have to add the covenant to the  
16                  surveys and file with the Town Clerk, and after  
17                  that the State, I filled out a couple more  
18                  applications, they came out inspected the  
19                  grounds, they laid out where they felt was the  
20                  Wetlands area, and gave me a hundred feet to  
21                  stay away from, the Town came back and added  
22                  another 30 feet, so it boils down to 240 feet.  
23                  I'm just waiting for the DEC to say okay.

24                  MR. PROIOS: There are about 25 conditions  
25                  from the Town of Brookhaven listed on there.

2                   The Town also has a consistency review with more  
3                   detail with respect to the SGPA plan.

4                   MS. WIPLISH: It is A-1 zoning?

5                   MR. MANZI: I think so.

6                   MR. PROIOS: Any comments from the public?

7                   MS. THURAU: My name is Liliane Thurau. I  
8                   am here on behalf of the Long Island Pine  
9                   Barrens Society. I would like to ask three  
10                  questions, if I may. I have heard this is a  
11                  case of a hardship application. Is it a fact  
12                  that the value of the land can only be realized  
13                  if it can be built and that there is no TDR  
14                  option?

15                  MR. PROIOS: Right now there is no TDR  
16                  program in effect.

17                  MS. THURAU: Do I understand that the  
18                  property was only acquired in 1985?

19                  MR. MANZI: That was transferred from her  
20                  husband to her.

21                  MS. THURAU: Because I was wondering who  
22                  did the clearing of the property and when is the  
23                  information available?

24                  MR. COWEN: I think there has been  
25                  testimony that indicated there was a residence

2 on that property at least as far back as 1972.

3 The clearing apparently occurred before then.

4 MR. MANZI: In 1972 the DeMauro family  
5 acquired the land. In 1985 the husband and wife  
6 transferred it to the wife. I guess the husband  
7 must have passed away. Since 1985, she has been  
8 the sole owner of it.

9 MS. THURAU: My third question is about how  
10 this application compares to other single-family  
11 applications in the core area. Are there the  
12 same restrictions? How do you consider this  
13 application in comparison to other applications  
14 in the core?

15 MR. PROIOS: We don't look at a comparison  
16 to each other. We look at the rules and  
17 regulations. They stand on their own merits.  
18 Each is looked at in terms of how it fits into  
19 the general character of the area and the goals  
20 of the State legislation. So for the previous  
21 hearing you saw it was a different layout in  
22 terms of the size of those plots and what was in  
23 that area and the pictures the public provide  
24 for this one shows a different type setting.  
25 Each application is looked at basically on its

2 own merits.

3 MS. THURAU: Also, lastly, the plan for the  
4 Pine Barrens will be in place by March 15, 1995,  
5 if all goes well. Is it possible to defer the  
6 decision on that until the plan is in place,  
7 since building in the depth of winter is  
8 unlikely?

9 MR. PROIOS: The whole purpose of having  
10 hardship hearings was to allow for these things  
11 to proceed while the plan is being developed.  
12 Once the plan is completed, there will be no  
13 need to have the hardship hearings. This is a  
14 process that is in place until the plan is  
15 adopted.

16 MS. THURAU: In other words, if you  
17 consider this a hardship, you will not defer the  
18 decision?

19 MR. PROIOS: Unless the applicant wishes to  
20 defer it, we can request they do so, and we have  
21 done it in some cases, but it's up to the  
22 applicant to do that.

23 At this point in time, do you have a  
24 specific date in time when you would actually  
25 like to begin construction?

2 MR. MANZI: Early part of the year. We are  
3 trying to get in there as soon as possible. By  
4 March, no later than March. We are more  
5 interested in acquiring the land from  
6 Ms. DeMauro. We did not want to purchase the  
7 land until we are sure we can build on it, and  
8 that's basically as soon as we get the okay that  
9 we can get the permits, which is in process  
10 except for the Pine Barrens, we are going to  
11 purchase the property from her.

12 MR. PROIOS: Any further questions?

23 MR. COWEN: Can you elaborate.

24 MR. MANZI: I got a call to say she is in a  
25 rush because I think she owes back taxes on the

2 property and doesn't have the money to pay the  
3 taxes. The thing that came to my mind was pay  
4 the taxes and give less for the land, but we  
5 don't want to gyp the lady. It's a fair price.

6 We don't want to see her lose it to the Town  
7 either. It could be truth, could be fiction.  
8 This is what they are telling me is happening.

9 MR. COWEN: Who?

10 MR. MANZI: The woman herself is  
11 complaining to the real estate company. Quite a  
12 bit of money has been laid out with all the  
13 surveys because every time we turn around  
14 somebody else wants something on the survey.

15 MR. COWEN: I only asked that line of  
16 questioning to sort of respond to the woman from  
17 the Pine Barrens Society who questioned you,  
18 George, about the timing of this application.  
19 That's the only reason I bring that up.

20 MR. PROIOS: Any further questions or  
21 comments?

22 MR. CORWIN: I want to note for the record,  
23 the receipt date was November 9th of this year  
24 and the 60-day decision period under Pine  
25 Barrens statute ends on Sunday, January the 8th,

2 1995.

3 MR. PROIOS: I guess there is no  
4 requirement that the Wetlands permit be in  
5 effect, but you say one is forthcoming.

6 MR. MANZI: One is forthcoming. The Town  
7 has already approved it. I'm assuming the State  
8 will go along with that.

9 MR. PROIOS: Since you can't proceed until  
10 you have that permit, I guess it would not make  
11 a difference as to whether our decision is  
12 before or after.

13 MR. COWEN: Just for the record, I believe,  
14 the application in question here is for a Wild  
15 Scenic and Recreation Rivers permit not a  
16 Wetlands permit.

17 MR. CORWIN: Could it be both?

18 MR. COWEN: I don't think so. You are more  
19 than 100 feet from the flag boundary in which  
20 case you don't need a Wetlands permit. When the  
21 actual field delineation was made, from what I  
22 can tell from this map, it appears the project  
23 is more than 100 feet from the Wetland boundary.  
24 There is at least a recreational permit  
25 required.

2                   MR. MANZI: Wetlands and Waterways  
3                   application.

4                   MR. CORWIN: That may be the Town of  
5                   Brookhaven.

6                   MR. COWEN: In any event, it's irrelevant  
7                   to this proceeding because this Commission is  
8                   not bound to wait.

9                   MR. PROIOS: In that case, we will leave  
10                  the comment period open until the evening of  
11                  Monday the 5th of December, which would make the  
12                  application eligible to be voted on Wednesday  
13                  the 14th.

14                  MR. PROIOS: If there are no further  
15                  comments. Motion to close the hearing.

16                  MR. COWEN: I'll move.

17                  MR. PROIOS: Second.

18                  MS. FILMANSKI: Second.

19                  MR. PROIOS: All those in favor say aye.

20                  COMMISSION MEMBERS: Aye.

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## Applicant

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Diane Moje; representing Paul Presta. 4

Richard Manzi; representing Mrs. DeMauro. 19

4 I, JOAN R. LIVOTTI, a Notary Public in and for  
5 the State of New York, do hereby certify:

6 THAT the foregoing minutes are a true and  
7 accurate transcript of my stenographic notes.

8 IN WITNESS WHEREOF, I have hereunto set my hand  
9 this 3rd day of December, 1994.

Joan R. Livotti  
JOAN R. LIVOTTI