

1
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.

8 Does the applicant or a representative of
9 the applicant wish to make a presentation to the
10 Commission?

11 MR. MANZI: Please bear with me. This is
12 the first time I have done this. My name is
13 Richard Manzi from Manzi Construction. We
14 propose to purchase this piece of property off
15 of Mrs. DeMauro and construct a one-family
16 single dwelling on the site. The site has
17 houses completely around it, in the sense of to
18 the left, to the right, couple of house across
19 the street, there are houses all around. There
20 was a house on the site, as a survey shows, back
21 in 1978 that burned down. The survey from 1978
22 shows that. We are proposing to put a house
23 back up on that site and according to the Town,
24 the only thing we would have to abide by would
25 be a covenant of no more than 240 feet usage of

1
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?

1
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?

1
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.

1
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.

1
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.

1
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 Thureau. 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

1
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

1
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?

1
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?

13 MR. COWEN: Let me clarify one thing that I
14 think was on the record earlier. You responded
15 to a question about the status of the applicant.
16 I think you responded that she is in some sort
17 of financial distress?

18 MR. MANZI: I believe she is in financial
19 trouble. I could take advantage of that
20 situation and buy the land now and sit back and
21 take advantage, but I don't want to take
22 advantage.

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

1
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,

1995.

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

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

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

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

MR. CORWIN: Could it be both?

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

1
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.
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

32


INDEX TO TESTIMONY

Applicant	Page
Diane Moje; representing Paul Presta.	4
Richard Manzi; representing Mrs. DeMauro.	19

1
2
3
4 I, JOAN R. LIVOTI, 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.

10
11 
12 JOAN R. LIVOTI
13
14
15
16
17
18
19
20
21
22
23
24
25