

COUNTY OF SUFFOLK

STATE OF NEW YORK

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ACQUISITION OF PROPERTIES TO BE
ACQUIRED FOR THE RECONSTRUCTION
OF THE FIRE ISLAND BARRIER BEACH
AND DUNE NETWORK FROM THE FIRE
ISLAND INLET TO MORICHES INLET,
TOWNS OF BROOKHAVEN AND ISLIP,
SUFFOLK COUNTY, NEW YORK
CP 5382

Tuesday, December 30, 2014
Suffolk County Community College
Michael J. Grant Campus
Van Nostrand Theatre
7:00 p.m.

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A P P E A R A N C E S:

Geoff Mascaro - Property Management
Administrator, Condemnation Hearing
Officer

Teresa Allar - Land Management Specialist
VI, New York State Licensed General
Real Estate Appraiser, and Suffolk
County Department of Public Works
Senior Review Appraiser

Gilbert Anderson, P.E. - Suffolk County
Department of Public Works,
Commissioner

Andrew P. Freleng - Suffolk County
Department of Planning, Chief Planner



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2 (Whereupon, at 7:11 p.m., the
3 record opened.)

4 THE HEARING OFFICER: We're
5 going to start with the Pledge of
6 Allegiance. First responders and
7 Mr. Kessler (phonetic), would you
8 please lead us in the pledge?

9 (Whereupon, the Pledge of
10 Allegiance was recited.)

11 THE HEARING OFFICER: Thank
12 you. Please be seated.

13 Good evening. This is a public
14 hearing for the purpose of satisfying
15 Article 2 of the New York State
16 Eminent Domain Procedure Law. This
17 public hearing relates to the
18 proposed acquisition of property for
19 the reconstruction of the Fire Island
20 Barrier Beach and Dune Network from
21 the Fire Island Inlet to the Moriches
22 Inlet, Towns of Brookhaven and Islip,
23 Suffolk County, New York, Capital
24 Project Number 5382.

25 First, I will offer certain



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2 documents into evidence. Next, there
3 will be certain presentations made my
4 County officials. Then if anyone has
5 any questions, I would be amenable to
6 recessing the hearing for ten
7 minutes. Next, I will call the
8 hearing back to order and we shall
9 continue on with the hearing.

10 At this time, public comments
11 may be made either in support of or
12 against the condemnation. Any person
13 desiring to make such comments must
14 fill out the sign-in sheet with their
15 name, address and telephone number on
16 it. Finally, at the end of -- at the
17 conclusion of today's hearing, any
18 further written statements may be
19 submitted to me by members of the
20 public within the next thirty days,
21 and they will be filed as public
22 exhibits.

23 I now offer into evidence and
24 ask that it be marked as Exhibit
25 Number 1 a certified copy of Adopted



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2 Resolution Number 1005 of 1979
3 adopting Local Law Number 32 of 1979
4 by the County of Suffolk pursuant to
5 Article 7 of the Eminent Domain
6 Procedure Law delegating the public
7 hearing function of Article 2 of the
8 Eminent Domain Procedure Law to the
9 Commissioner of the former Department
10 of Land Management, which then became
11 the Department of Real Estate, which
12 was then succeeded by the County
13 Attorney of the Suffolk County
14 Department of Law, which was then
15 succeeded by the Suffolk County
16 Department of Planning, which was
17 then succeeded by the Suffolk County
18 Department of Environment and Energy,
19 which was then succeeded by the
20 Suffolk County Department of Economic
21 Development and Planning.

22 (Whereupon, a certified copy of
23 Adopted Resolution Number 1005 of 1979
24 adopting Local Law Number 32 of 1979 was
25 marked as Public Hearing Exhibit 1, for



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2 identification, as of this date.)

3 THE HEARING OFFICER: Exhibit
4 Number 2, a certified copy of Adopted
5 Resolution Number 47 of 1991 adopting
6 Local Law Number 13 of 1991, which
7 transferred the functions of the
8 Department of Real Estate to Suffolk
9 County Department of Law, Division of
10 Real Estate.

11 (Whereupon, a certified copy of
12 Adopted Resolution Number 47 of 1991
13 adopting Local Law Number 13 of 1991 was
14 marked as Public Hearing Exhibit 2, for
15 identification, as of this date.)

16 THE HEARING OFFICER: Exhibit
17 Number 3, a certified copy of
18 Resolution Number 1119 of 1998
19 adopting Local Law Number 8 of 1998
20 which transferred the functions of
21 the Suffolk County Department of Law,
22 Division of Real Estate to Suffolk
23 County Department of Planning,
24 Division of Real Estate.

25 (Whereupon, a certified copy of



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2 Resolution Number 1119 of 1998 adopting
3 Local Law Number 8 of 1998 was marked as
4 Public Hearing Exhibit 3, for
5 identification, as of this date.)

6 THE HEARING OFFICER: Exhibit
7 Number 4, a certified copy of Adopted
8 Resolution Number 141 of 2006
9 adopting Local Law Number 19 of 2006
10 which transferred the functions of
11 the Suffolk County Department of
12 Planning, Division of Real Estate to
13 the Suffolk County Department of
14 Environment and Energy, Division of
15 Real Property Acquisition and
16 Management.

17 (Whereupon, a certified copy of
18 Adopted Resolution Number 141 of 2006
19 adopting Local Law Number 19 of 2006 was
20 marked as Public Hearing Exhibit 4, for
21 identification, as of this date.)

22 THE HEARING OFFICER: Exhibit
23 Number 5, a certified copy of Adopted
24 Resolution Number 127 of 2006
25 adopting Local Law Number 16 of 2006



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2 to the County of Suffolk pursuant to
3 Article 7 of the Eminent Domain
4 Procedure Law delegating jurisdiction
5 over public hearing functions of
6 Article 2 of the Eminent Domain
7 Procedure Law to the Commissioner of
8 the Department of Public Works
9 specifically for Public Works
10 projects.

11 (Whereupon, a certified copy of
12 Adopted Resolution Number 127 of 2006
13 adopting Local Law Number 16 of 2006 was
14 marked as Public Hearing Exhibit 5, for
15 identification, as of this date.)

16 THE HEARING OFFICER: Exhibit
17 Number 6, designation of Geoff
18 Mascaro to conduct this hearing and
19 make findings and determinations
20 pursuant to the provisions of the New
21 York State Eminent Domain Procedure
22 Law.

23 (Whereupon, the designation of
24 Geoff Mascaro as Hearing Officer was
25 marked as Public Hearing Exhibit 6, for



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2 identification, as of this date.)

3 THE HEARING OFFICER: Exhibit
4 Number 7, a certified copy of Adopted
5 Resolution Number 1062 of 2014 which
6 authorizes the Department of Public
7 Works to a hold a public hearing for
8 Capital Project Number 5382 for the
9 acquisition of properties to be
10 acquired for the reconstruction of
11 the Fire Island Barrier Beach and
12 Dune Network from the Fire Island
13 Inlet to the Moriches Inlet, Towns of
14 Brookhaven and Islip, Suffolk County,
15 New York pursuant to Article 2 of the
16 New York State Eminent Domain
17 Procedure Law.

18 (Whereupon, a certified copy of
19 Adopted Resolution Number 1062 of 2014
20 was marked as Public Hearing Exhibit 7,
21 for identification, as of this date.)

22 THE HEARING OFFICER: Exhibit
23 Number 8, notice of public hearing
24 for this proceeding.

25 (Whereupon, the notice of public



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2 hearing was marked as Public Hearing
3 Exhibit 8, for identification, as of
4 this date.)

5 THE HEARING OFFICER: Exhibit
6 Number 9, affidavits of publication
7 from Newsday, the South Shore Press,
8 the Smithtown News, the Long Island
9 Advance, the Suffolk County News and
10 the Islip Bulletin for this
11 proceeding.

12 (Whereupon, affidavits of
13 publication were marked as Public
14 Hearing Exhibit 9, for identification,
15 as of this date.)

16 THE HEARING OFFICER: Exhibit
17 Number 10, affidavit of mailing to
18 affected property owners in this
19 proceeding in accordance with the
20 applicable provisions of the New York
21 State Eminent Domain Procedure Law.

22 (Whereupon, affidavit of mailing
23 to affected property owners was marked
24 as Public Hearing Exhibit 10, for
25 identification, as of this date.)



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2 THE HEARING OFFICER:

3 Accordingly, appropriate jurisdiction
4 has been proffered so that this
5 hearing may be held.

6 First, the Suffolk County
7 Proponent will outline the procedure
8 and purposes. Second, the
9 representative from the Suffolk
10 County Department of Public Works
11 will submit the maps into evidence
12 and give a description of the
13 project. Third, the representative
14 from the Suffolk County Department of
15 Planning and the Council on
16 Environmental Quality will submit the
17 County's State Environmental Quality
18 Review Act determination, also known
19 as a SEQRA determination, which will
20 explain the environmental findings of
21 this proposed project. After the
22 County has concluded its
23 presentation, the hearing will be
24 open to members of the public to make
25 any oral or written statements that



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2 they wish to be included in the
3 record.

4 I now call Ms. Teresa Allar as
5 County Proponent who holds the
6 positions of Land Management
7 Specialist VI, New York State
8 licensed real estate -- general real
9 estate appraiser and senior review
10 appraiser with the Suffolk County
11 Department of Public Works to make
12 her presentation.

13 Ms. Allar, please give your
14 name and a business address to the
15 reporter.

16 MS. ALLAR: My name is Teresa
17 **A. Allar and my business address is**
18 **the Suffolk County Department of**
19 **Public Works, 335 Yaphank Avenue,**
20 **Suffolk County, New York.**

21 This hearing is held under the
22 Eminent Domain Procedure Law Sections
23 201, 202, 203 and 204. The purpose
24 of this hearing is to inform the
25 public, review the public use,



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2 determine the impact on the
3 environment and review possible
4 alternative locations. The purpose
5 of the proposed project is for the
6 acquisition of properties for the
7 reconstruction of the Fire Island
8 Barrier Beach and Dune Network from
9 the Fire Island Inlet to Moriches
10 Inlet, Towns of Brookhaven and Islip,
11 Suffolk County, New York, CP Number
12 5382.

13 The County of Suffolk has
14 analyzed the property from an
15 economic standpoint and that analysis
16 has been completed. As a result of
17 that analysis, it was determined that
18 it is economically feasible to
19 proceed with the proposed project.

20 Please be assured that if this
21 project is approved, an independent
22 fee consultant appraiser will prepare
23 individual appraisal for each map.
24 These appraisals will then be
25 reviewed by our appraisal review



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2 staff in order to determine the
3 highest and best use of the property
4 and the appropriate amount of just
5 compensation. When these appraisals
6 are complete, a member of our staff
7 will contact the property owner with
8 the County's offer and answer any
9 questions that the property owner may
10 have. Thank you.

11 THE HEARING OFFICER:

12 Ms. Allar, were any changes made to
13 the abstract request map as a result
14 of your economic impact analysis?

15 MS. ALLAR: No.

16 THE HEARING OFFICER: Thank
17 you. I have no further questions.

18 I next call Mr. Gilbert
19 Anderson, professional engineer and
20 DPW Commissioner, as representative
21 of the Suffolk County Department of
22 Public Works to make his
23 presentation.

24 Mr. Anderson, please give your
25 name and business address to the



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2 reporter.

3 MR. ANDERSON: My name is
4 Gilbert Anderson. My business
5 address is 335 Yaphank Avenue,
6 Yaphank, New York 11980.

7 Good evening.

8 THE HEARING OFFICER: Good
9 evening.

10 MR. ANDERSON: My name is
11 Gilbert Anderson. I'm a professional
12 engineer employed by the Suffolk
13 County Department of Public Works.
14 My official title is Public Works
15 Commissioner. My business address,
16 as I started earlier, is 335 Yaphank
17 Avenue, Yaphank in Suffolk County,
18 New York.

19 At this time, I would like to
20 offer into evidence an abstract
21 request map dated November 17th,
22 2014.

23 THE HEARING OFFICER:
24 Mr. Anderson, we will admit that into
25 evidence as Public Hearing Exhibit



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2 Number 11.

3 (Whereupon, the abstract request
4 map dated November 17th, 2014 was marked
5 as Public Hearing Exhibit 11, for
6 identification, as of this date.)

7 THE HEARING OFFICER: Please
8 continue.

9 MR. ANDERSON: The map is
10 titled the Acquisition of Properties
11 to be Acquired for the Reconstruction
12 of the Fire Island Barrier Beach and
13 Dune Network from the Fire Island
14 Inlet to the Moriches Inlet, Towns of
15 Islip and Brookhaven, Suffolk County,
16 New York, Capital Project 5389 --
17 sorry, 5382. The abstract request
18 map was prepared in-house by DPW
19 mapping staff and was then thoroughly
20 reviewed and approved by DPW
21 engineering staff.

22 This project involves the
23 reconstruction of the Fire Island
24 Barrier Beach and Dune Network
25 extending from the Fire Island Inlet



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2 situated in the Town of Islip,
3 Suffolk County, New York to the
4 Moriches Inlet situated in the Town
5 of Brookhaven, Suffolk County, New
6 York. The subject area for this
7 project is a chain of barrier beaches
8 approximately forty-five miles long.
9 The subject dune network is
10 approximately 12.5 miles long with
11 varying widths depending upon the
12 location of the mean low watermark in
13 any given location or area.

14 These barriers beaches provide
15 an essential service for the south
16 shore of Long Island by partially
17 protecting this highly populated and
18 well-developed area from additional
19 catastrophic ocean flooding in the
20 event of a severe storm weather
21 event. The immediate surrounding
22 area to be impacted by this project
23 is primarily residential in nature
24 and provides a natural barrier to the
25 southern shoreline of Long Island in



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2 Suffolk County.

3 A study was commenced by the
4 United States Army Corps of Engineers
5 to determine whether any corrective
6 or remediative actions could be taken
7 that would reduce the future risks of
8 environmental degradation, personal
9 injury and property damage to the
10 barrier beaches and to the south
11 shore of Long Island in the event of
12 a severe storm weather event. The
13 Corps' initial data gathering and
14 study efforts disclose the following
15 deficiencies currently existing:
16 One, severe erosion has destroyed the
17 natural barriers between Atlantic
18 Ocean and the barrier beaches which
19 now subjects property owners and
20 residents of the barrier beaches and
21 the south shore of Long Island to an
22 unacceptable level of flooding risk
23 that could result in death, in
24 personal injury and/or property
25 damage in the event of another severe



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2 storm.

3 Two, following Hurricane Irene
4 and Super Storm Sandy, Suffolk County
5 cleanup and recovery, resources were
6 stretched to the point that the
7 continued viability of public and
8 private infrastructure had been
9 placed in serious jeopardy. Without
10 the necessary protective barrier,
11 another severe storm will, in all
12 likelihood, result in the complete
13 and catastrophic loss of these
14 facilities.

15 The next step was to
16 participate in a community outreach
17 program to obtain input regarding
18 this project from the surrounding
19 community. To achieve this point --
20 to achieve this goal, the Suffolk
21 County Department of Public Works
22 held the following meetings: One,
23 meetings with representatives from
24 villages, towns, federal government
25 and County and State of New York have



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2 been held on a continuing basis since
3 November 1st, 2012, shortly after the
4 aftermath of Super Storm Sandy. Two,
5 additional meetings were held over
6 the course of the design process with
7 focus groups of interested citizens
8 and community leaders on October
9 29th, 2013.

10 Three, open informational
11 meetings were held with the public on
12 Labor Day Weekend, Saturday,
13 September 6th, 2014, Wednesday,
14 October 1st, 2014, which also served
15 a press event, and Saturday, October
16 4th, 2014, and Wednesday,
17 December 10th, 2014. These meetings
18 helped to bring several issues to the
19 forefront, as well as concerns for
20 safety and aesthetics within the
21 project area.

22 As a result of the
23 aforementioned study and meetings,
24 the United States Army Corps of
25 Engineers, in conjunction with the



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2 New York State Department of
3 Environmental Conservation, Suffolk
4 County Department of Public Works,
5 initiated this project to alleviate
6 the deficiencies previously stated
7 while striving not to overly burden
8 or compromise the integrity of the
9 local community.

10 As a result of these meetings
11 and collaborations, the following
12 three alternatives were developed:
13 Alternative one, do nothing. This
14 alternative, which places the
15 emphasis primarily upon the natural
16 process, would, at a minimum,
17 maintain the current level of risk
18 and likely a higher probability of
19 breaching and damage to property
20 owners and inhabitants of the barrier
21 beaches and the south shore of
22 Suffolk County. Federal resources in
23 the form of funding, research and
24 construction activities may not be
25 available, absent the project, in the



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2 future.

3 Alternative two, reconstruct
4 the dune network and replenish the
5 beaches in the area depicted within
6 the confines of the abstract request
7 map. This will necessarily result in
8 the acquisition of over four hundred
9 permanent easements and forty-one
10 full-fee simple acquisition
11 decisions. This alternative includes
12 beach fill in developed areas and
13 replace beach fill within the major
14 public tracks of land with beach
15 response plans. This beach
16 nourishment alternative would result
17 in the creation of a berm whose crest
18 would be established at elevation
19 fifteen, having a width at the crest
20 of twenty-five feet and sloping from
21 the crest downward at a one on five
22 grade to a point seaward at elevation
23 9.5 where the beach would be
24 renourished at this elevation to a
25 point ninety feet seaward of the dune



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2 and extending down from that point at
3 a slope of one on twelve to the point
4 where existing grade is met.

5 It has been sited in a manner
6 to reduce the -- it has been sited in
7 a manner to reduce the number of
8 privately held real estate interests
9 that would have to be acquired and
10 relies upon the permissive use of
11 federal, state and local municipally
12 owned parcels. This alternative,
13 which is supported by the Department
14 of Public Works in addition to the
15 federal and New York State
16 governments, would require the
17 participation of and expenditures by
18 federal, state and county
19 governmental agencies, thereby
20 reducing the expenditures of local
21 towns, villages and property owners.

22 Three, alternate three,
23 reconstruct the beaches and dune
24 network to the south of the area
25 depicted in the abstract map -- I'm



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2 sorry, in the abstract request map.

3 This would necessitate the

4 construction of a larger

5 cross-section of dune network and

6 beach replenishment resulting in much

7 more difficult engineering issues,

8 less stability in the dune and beach

9 to be built, and a total cost well in

10 excess of Alternative Number 2

11 including the cost of acquisition of

12 the necessary real property

13 interests.

14 This alternative would subject

15 the beach and dune network to greater

16 erosion, thereby significantly

17 reducing the functional duration and

18 benefit of the project. It would

19 also reduce the beach availability

20 for use by the public. Additionally,

21 since several of the parcels that

22 would have to be acquired under this

23 alternative are parkland or

24 properties owned by New York State

25 and the United States Governments,



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2 special legislation would be required
3 to acquire them and this would
4 further delay the project.

5 The abstract request map, which
6 has been submitted as evidence today,
7 was drafted and approved by DPW staff
8 upon the conclusion of these studies
9 and meetings. The project proposes
10 to reconstruct the dune and replenish
11 the beaches in a manner suitable to
12 reduce the risk of catastrophic loss
13 of life and property in the event of
14 a severe storm weather event. It is
15 the Department's recommendation that
16 Alternative Number 2 be implemented.

17 In summary, the Department --
18 one, excuse me, the Department of
19 Public Works is recommending that
20 Alternative 2 be implemented and, if
21 requested by the Hearing Officer, the
22 actual acquisition maps will be made
23 available to him for filing with his
24 findings and determination.

25 Two, the approximate location



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2 of this project is the barrier beach
3 network extending from the Fire
4 Island Inlet situated in the Town of
5 Islip, Suffolk County, New York to
6 the Moriches Inlet situated in the
7 Town of Brookhaven, Suffolk County,
8 New York.

9 Three, the reason that this
10 location was selected was because our
11 study and meetings disclosed the
12 following deficiencies currently
13 existing: A, severe erosion has
14 destroyed the natural barriers
15 between the Atlantic Ocean and the
16 barrier beaches which now subjects
17 property owners and residents of the
18 barrier beaches and the south shore
19 of Long Island at an unacceptable
20 level of flooding risk, potentially
21 resulting in death, personal injury
22 and/or property damages in the event
23 of a severe storm weather event.

24 B, following Hurricane Irene
25 and Super Storm Sandy, Suffolk County



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2 cleanup and recovery resources were
3 stretched to the point that the
4 continued viability of public and
5 private infrastructure had been
6 placed in serious jeopardy. Without
7 the necessary protective barrier,
8 another severe storm event will, in
9 all likelihood, result in the
10 complete and catastrophic loss of
11 these facilities.

12 C, an acquisition under
13 Alternative 3 would provide a
14 significantly lower level of
15 protection at a significantly higher
16 cost and, thus, would not be a cost
17 effective use of public funds.

18 Four, the public use, benefits
19 or purpose to be served by the
20 proposed project is to reduce the
21 potential of damage that would likely
22 result during future storm events as
23 well as reduce the potential for
24 catastrophic loss of lives, property
25 and infrastructure in the event of a



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2 future severe storm weather event
3 such as a hurricane.

4 Five, the general effect of the
5 proposed project upon the residents
6 of the locality is positive because
7 it will reduce the potential of
8 damage that would likely result
9 during future storm events as well as
10 reduce the potential for catastrophic
11 life -- loss of lives, property and
12 infrastructure in the event of a
13 future severe storm weather event
14 such as a hurricane.

15 Six, other relevant factors
16 that should be considered in deciding
17 whether to approve the project are:
18 A, the project is being undertaken
19 with the engineering and substantial
20 financial assistance of the United
21 States Army Corps of Engineers and
22 the New York State Department of
23 Environmental Conservation. B, the
24 project will expand the natural
25 habitat for indigenous wildlife and



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2 vegetation.

3 This completes my presentation,
4 and thank you.

5 THE HEARING OFFICER: Thank
6 you, Mr. Anderson.

7 I now call Mr. Andrew Freleng,
8 Chief Planner, as representative of
9 the Suffolk County Department of
10 Economic Development and Planning,
11 Division of Planning and Environment
12 and the departmental representative
13 to the Council on Environmental
14 Quality to make his presentation.

15 Mr. Freleng, please give your
16 name and business address to the
17 reporter.

18 MR. FRELENG: My name is Andrew
19 Freleng. My address is 100 Veterans
20 Memorial Highway, Hauppauge, New
21 York, H. Lee Dennison, and that is a
22 11788 ZIP code.

23 THE HEARING OFFICER: Thank
24 you.

25 MR. FRELENG: Thank you,



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2 Mr. Hearing Officer.

3 And members of the public, I'm
4 here tonight to provide testimony of
5 the acquisition of properties to be
6 acquired for the requisition of the
7 reconstruction of the Fire Island
8 Barrier Beach and Dune Network from
9 Fire Island Inlet to Moriches Inlet,
10 Towns of Brookhaven and Islip,
11 Suffolk County, New York, CP 5382.
12 My testimony is for the Eminent
13 Domain public hearing, Tuesday,
14 December 30th, 2014 at 7:00 p.m. at
15 the Suffolk County Community College,
16 Michael J. Grant Campus, Van Nostrand
17 Theatre, Hamlet of Brentwood, Town of
18 Islip, Suffolk County, New York.

19 The Suffolk County
20 Environmental Review: As required by
21 the Environmental Bill of Rights
22 Article 1 of the Suffolk County
23 Charter, the New York State
24 Environmental Quality Review Act,
25 otherwise known as SEQRA, and Local



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2 Law Number 22, 1985, pertaining to
3 implementation of the State
4 Environment Review Act and
5 implementing new and revised
6 procedures for environmental quality
7 review in the County of Suffolk has
8 been conducted in the following
9 manner: One, pursuant to the State
10 Environmental Quality Review Act,
11 Environmental Conservation Law
12 Article 8, SEQRA, Title 6, New York
13 State Code of Rules and Regulations,
14 Part 617 of the New York State
15 Department of Environmental
16 Conservation, otherwise known as New
17 York State DEC, conducted a
18 coordinated SEQRA review for the
19 reconstruction of the Fire Island
20 Inlet -- Fire Island Barrier Beach
21 and Dune Network from the Fire Island
22 Inlet to Moriches Inlet, known as the
23 project, and it was determined that
24 the New York State DEC would be the
25 lead agency and Suffolk County would



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2 be an involved agency.

3 Two, the project has undergone
4 an environmental assessment by the
5 federal government in accordance with
6 the requirements of the National
7 Environmental Policy Act, NEPA, where
8 it was found on July 3rd, 2014 that
9 there was no significant adverse
10 impact, otherwise known as a finding
11 of no significant impact or FONSI.

12 Three, New York State DEC, as
13 lead agency, classified the project
14 as a Type 1 Action and determined
15 that the implementation of the
16 project will not result in any
17 significant adverse environmental
18 impacts and issued a Negative
19 Declaration on July 18th, 2014.

20 Four, pursuant to 6 -- New York
21 Code Section 617.6(b)(3) little I,
22 little I, little I, Suffolk County,
23 as an involved agency, followed a
24 coordinated review -- following a
25 coordinated review is bound by the



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2 Negative Declaration issued by the
3 New York State DEC.

4 Five, on July 30th, 2014,
5 Suffolk County adopted Resolution
6 Number 586 of 2014 authorizing
7 execution of a local project
8 partnership agreement with the State
9 of New York in connection with the
10 reconstruction of the Fire Island
11 Barrier Beach and Dune Network from
12 the Fire Island Inlet to the Moriches
13 Inlet. This adopted resolution
14 included the SEQRA resolved clause
15 that stated that, quote, this
16 legislature, pursuant to SEQRA and
17 Chapter 450 of the Suffolk County
18 Code, hereby finds and determines
19 that the County is bound by the
20 Negative Declaration issued by the
21 New York State DEC on July 18th, 2014
22 and that the legislature has no
23 further responsibilities under SEQRA.

24 Six, to document changes
25 related to the original environmental



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2 assessment, the United States Army
3 Corps of Engineers prepared a Record
4 of Environmental Consideration dated
5 October 21, 2014. The United States
6 Fish and Wildlife Service
7 reinitiated -- I'm sorry,
8 reinitiation of a formal consultation
9 resulted in a revised biological
10 opinion dated October 15th, 2014 for
11 the project's environmental
12 assessment. This revised biological
13 opinion listed measures to be taken
14 to minimize impacts of incidental
15 take of piping plovers. Based on an
16 evaluation of the revised biological
17 opinion, the United States Army Corps
18 of Engineers determined that the
19 FONSI dated July 3rd, 2014 continues
20 to be in effect.

21 Copies of the July 30th, 2014
22 New York State DEC Environmental
23 Notice Bulletin, Region 1, ENB,
24 indicating that, the New York State
25 DEC's Negative Declaration



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2 determination, the Suffolk County
3 adopted Resolution Number 586 of 2014
4 and the United States Army Corps of
5 Engineers July 3rd, 2014 FONSI and
6 October 21, 2014 record of
7 environmental consideration are
8 attached to this testimony for your
9 review and consideration.

10 THE HEARING OFFICER:

11 Mr. Freleng, we will mark this as
12 Public Hearing Exhibit Number 12.

13 (Whereupon, four documents were
14 marked as Public Hearing Exhibit 12, for
15 identification, as of this date.)

16 THE HEARING OFFICER: All
17 right. At this point, we're going to
18 take a short five-minute recess, so
19 we can proceed with the hearing after
20 that. And if anybody has any
21 questions, they might want to bring
22 them up to us -- they might want to
23 write them down and bring them up to
24 us. Okay? Thank you.

25 (Whereupon, a recess was taken



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2 from 7:36 p.m. to 7:47 p.m.)

3 THE HEARING OFFICER: Back on
4 the record.

5 Before I call any people up to
6 the stand, first I want to address a
7 letter that I received today from one
8 Jacques Lilly, and we will submit
9 that into the record as Exhibit
10 Number 13.

11 (Whereupon, a letter from Jacques
12 Lilly was marked as Public Hearing
13 Exhibit 13, for identification, as of
14 this date.)

15 THE HEARING OFFICER: Now, at
16 the podium is where we request that
17 people speak. The first person to
18 speak, please, is Mary Parker.

19 Ms. Parker, the podium is on
20 the other side there. The microphone
21 there is dead.

22 MS. PARKER: Do you want my
23 name?

24 THE HEARING OFFICER: Yes.
25 Ms. Parker, please give your name and



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2 address to the reporter.

3 MS. PARKER: Hello. I'm Mary
4 Parker. I'm the president of the
5 Davis Park Association. My address
6 is Box 891, Patchogue, New York
7 11772.

8 I'm here tonight representing
9 the Homeowners Association in Davis
10 Park. I think I can say that we are
11 generally in favor of receiving sand
12 on our beach and we're grateful for
13 all the efforts that have gone into
14 it so far, including all the
15 compromises, the planning, the years
16 of planning. I would make a plea for
17 getting the specifics of each
18 property to the homeowners affected
19 as soon as possible.

20 As you know, Davis Park and
21 Ocean Bay Park are the ones that are
22 most affected, approximately twenty
23 houses in each community. This is a
24 large percentage in our community and
25 we're concerned that there's a lot of



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2 unnecessary angst and unhappiness
3 going on because the specifics have
4 not been made available. So a plea
5 for the specifics as soon as
6 possible.

7 I believe that homeowners will,
8 on the whole, be treated fairly. I
9 think that the Army Corps and the
10 County will be making the best offer
11 that they can. And I think that the
12 intent of the Army Corps is to work
13 out cooperatively with each owner
14 what would be best for them. So
15 thank you and I appreciate your time.

16 THE HEARING OFFICER: Thank
17 you, Ms. Parker.

18 Just so you're aware, okay,
19 nobody's property is going to be
20 taken until there is actually a
21 formal acquisition map for that
22 particular parcel drafted and
23 approved by the Suffolk County
24 legislature. Okay? The acquisition
25 cannot go forward without that.



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2 Okay? So if the -- all acquisition
3 maps are not yet completed. What we
4 have here today is an ARM. It shows
5 the area of impact. Okay? Those
6 formal acquisition maps are not
7 completed. Okay? There will be no
8 taking until they are because they
9 need to have a legal description in
10 order to acquire the legal interest
11 in the property. Thank you.

12 The next speaker I have is
13 Jonathan Houghton. He's from the law
14 firm of Goldstein, Rikon. He
15 represents an owner who he does not
16 specify.

17 Mr. Houghton, please give your
18 name and business address to the
19 reporter.

20 MR. HOUGHTON: Thank you and
21 good evening. My name is Jonathan
22 Houghton and I am an eminent domain
23 attorney with Goldstein, Rikon, Rikon
24 & Houghton, and I'm here on behalf of
25 certain owners that are amongst the



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2 unfortunate forty-one who are going
3 to lose their homes.

4 Our firm has practiced
5 exclusively in eminent domain since
6 1923 and we work throughout the State
7 of New York and represent property
8 owners at almost every proceeding
9 that happens. And what we have
10 learned from this vast amount of
11 experience is that eminent domain can
12 be an extraordinary harsh and
13 draconian operation of law,
14 particularly for those who are losing
15 their homes. And we urge the County
16 to reconsider these homes that are
17 going to be lost.

18 Right now there are forty-one
19 people in the plan who are going to
20 lose their homes through this
21 project. They include people who
22 live there year-round, who have owned
23 their homes for decades, who have
24 celebrated birthdays and
25 anniversaries and holidays and family



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2 events there. They don't want to
3 sell. They don't want to lose their
4 homes, but they're being forcefully
5 kicked out of their homes from the
6 government who's supposed to be
7 protecting them.

8 Amongst the forty-one are
9 people who need the income from these
10 homes in order to survive. And
11 amongst the forty-one are people who
12 are worried, as they should be, that
13 the money that's going to be paid to
14 them by the County is not only going
15 to be insufficient, but it is not
16 even going to cover the mortgage that
17 they have on these homes. For the
18 government to forcefully take
19 someone's house away from them is an
20 almost tyrannical use of the
21 government's power.

22 Compounding the loss of these
23 individuals' homes is the fact that
24 the public's purpose in the
25 environmental review for this project



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2 is questionable. Certainly
3 replenishing the sand dunes and
4 protecting Fire Island is a very
5 worthwhile and important goal, but
6 the way that it's being done and the
7 way that it's being carried out does
8 not justify the loss of these homes
9 for the people who live there. This
10 is a one-time project and there's no
11 guarantee as to how long the
12 replenishment is going to last, nor
13 whether another replenishment is
14 going to be done if this project were
15 to fail.

16 The dunes are only being built
17 in select locations. And, you know,
18 in Davis Park, for example, in the
19 area where the previous speaker was,
20 I believe there's going to be
21 two miles to the west of Davis Park
22 and eight miles to the east of Davis
23 Park that is going to be completely
24 untouched by any dune repair. And
25 that's going to cause significant



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2 problems because in these weak points
3 is where all the water can come in.
4 And for that, these forty-one people
5 are going to have to lose their
6 homes.

7 The Army Corps of Engineers
8 themselves characterized the dunes
9 that are going to be built as small
10 to moderate, and in some instances
11 they're only going to raise the
12 current dune a few feet. Again, this
13 is insufficient for people to have to
14 lose their homes. And moreover, the
15 line where the sand is going to go,
16 this dune line is arbitrary and
17 there's no sufficient environmental
18 purpose for putting it where you're
19 going to put it. I think that I can
20 virtually guarantee that were a
21 legislator to own a home on the land
22 of sand where it is right now, that
23 line would go someplace else.

24 The environmental review for
25 this project is severely lacking and



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2 does not justify everybody losing
3 their homes. And it's particularly
4 evident by the fact that this hearing
5 is being held right in between the
6 holidays when a lot of people are
7 away, a lot of people cannot attend
8 and a lot of people have not even
9 gotten the notices that this hearing
10 is taking place.

11 Certainly replenishing the
12 dunes that protect the homes is a
13 worthwhile goal, but in this
14 particular instance, the plan that is
15 being put forward does not justify
16 individuals losing their homes.

17 Thank you.

18 THE HEARING OFFICER: Thank
19 you.

20 (Applause.)

21 THE HEARING OFFICER: The next
22 speaker is Thomas LaGuardia. Full
23 disclosure, Mr. LaGuardia is the
24 former Chief Deputy Commissioner of
25 the Suffolk County Department of



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2 Public Works.

3 MR. LaGUARDIA: Good evening.

4 I'm Tom LaGuardia. Good evening,
5 Gil, Terry, Geoff. It's very nice to
6 be here to speak.

7 I'm a professional engineer. I
8 have more than forty years'
9 experience working on the barrier
10 beach, that's both as a public
11 official and as a private citizen
12 doing engineering design over there.
13 I find the Army Corps' report, which
14 is the basis of all of this
15 discussion tonight, is ludicrous.
16 It's based on bad engineering, models
17 that don't make any sense, guesses of
18 future storms, limited sand
19 replenishment on our beaches. Their
20 main goal is stated to protect the
21 life and property of our citizens, in
22 other words, the south shore of Long
23 Island because nobody's on the
24 barrier beach in a major storm.

25 As we discussed, only about



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2 twenty-five percent of Fire Island is
3 going to receive sand, maybe portions
4 of Fire Island because of the Fire
5 Island national seashore and our
6 footprint, the Department of the
7 material are not going to receive any
8 sand. Those are the lowest portions
9 of the beach. Davis Park is pretty
10 well protected now. Yes. Do we want
11 more sand? Yes. I'm a resident
12 there. Do I want my house better
13 protected? Absolutely. But do I
14 want to give up my rights for these
15 crazy perpetual easements? Taking of
16 my friends' houses and threatening --
17 this is a threatening proceeding. I
18 understand you're saying it's not,
19 but it is. As soon as you do a
20 public hearing and say that I might
21 take your house, you're putting the
22 person at a disadvantage. So it's a
23 threat. It's the wrong way to do it.
24 I'm embarrassed that the
25 County, after my thirty years there,



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2 would do something to the residents
3 of their own community. We're going
4 to lose a tax base if we lose those
5 houses and there's no public benefit
6 here. The south shore is totally
7 unprotected. That monacomb
8 (phonetic) of sand that you're
9 putting on is going to protect my
10 home better and it's going to protect
11 some of the residents of Davis Park
12 and some of the other communities.
13 It's not going to protect the south
14 shore of Long Island which does need
15 protection.

16 So the Army Corps has been
17 studying this issue for almost
18 forty years and paid consultants year
19 after year. They've spent thirty to
20 \$40 million already on your studies
21 with no benefit. Now they come up
22 with this silly study that says they
23 can't move the line south because it
24 might cost a little bit more money
25 based on their models. Their models



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2 aren't -- are not even good
3 engineering guesses of what's going
4 to happen. They don't know what
5 storms are coming. They don't know
6 what direction they're coming in.
7 They don't know how often they're
8 going to come. It's a guess. So
9 what they're offering is a monacomb
10 of sand that's, at best, good for
11 five to ten years, just to protect
12 individual communities. That is no
13 reason to base a condemnation on.

14 I think in court -- and I think
15 this is going to court because
16 several of my homeowner friends are
17 not going to give up their houses.
18 They love where they live. They've
19 lived there a long time. They have
20 watched the sand go and come as I
21 have for forty years. Their houses
22 are on deep piles. They're not going
23 any place. Water is going to wash
24 under them. The beaches are going to
25 naturally build as it normally does.



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2 So I beg you, keep this hearing
3 open, don't close it so you can't --
4 you can't move on with the
5 condemnation. It's the wrong thing
6 to do to the people in Davis Park.
7 If somebody wants to sell on their
8 own --

9 AUDIENCE MEMBER: Ocean Bay
10 Park.

11 MR. LaGUARDIA: Fine. But for
12 Davis Park. Thank you.

13 THE HEARING OFFICER: Thank
14 you, Mr. LaGuardia.

15 (Applause.)

16 THE HEARING OFFICER: All
17 right. The next person I have is
18 Francine Haselkorn. She claims she's
19 an owner. It doesn't list a TRN
20 number.

21 Ms. Haselkorn, please give your
22 name and address to the reporter.

23 MS. HASELKORN: Yes. Francine
24 Haselkorn. Do you want my Fire
25 Island address?



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2 THE HEARING OFFICER: Whichever
3 you'd like to give, ma'am, is fine.

4 MS. HASELKORN: Doesn't matter,
5 you have it. 348 West 38th Street,
6 New York City.

7 Two previous speakers have
8 mentioned some very good things and
9 I'd like to not reiterate the same
10 things that they have. But I find
11 this to be -- this process to be
12 very, very upsetting to people. I
13 myself have a house at the midway and
14 will not overtly suffer from losing a
15 house, but my street will suffer
16 because the issue is that you are
17 going in the wrong direction. The
18 direction to go in is to increase the
19 size of the land, add sand to the
20 sandbars, let the natural processes
21 happen, not to decrease it. The
22 closer I get to the ocean, the less
23 safe I am.

24 The other thing has been that
25 the people that -- we of this



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2 community -- of the eleven
3 communities of Fire Island paid two
4 times, '91 and in 2009, for a sand
5 project and we're not given any
6 credit in any way, shape or form for
7 what we've done. It cost me
8 somewhere in the neighborhood of
9 thirty to \$40,000 to pay for this
10 sand for these projects.

11 One of the things that happened
12 was the last go-round in 2009, we
13 were assured that if this -- if there
14 was an emergency that we would have
15 the beach resanded by FEMA. This was
16 in exchange for protecting piping
17 plovers which we did graciously.
18 Now, I wonder what happened to that
19 project. In that project we never
20 got the sand, number one, so the
21 emergency is now reaching onto
22 three years. Okay? That -- I find
23 that to be a rather peculiar thing.
24 All right, two points.

25 The third thing is this eminent



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2 domain. Is it eminent domain? If
3 people have to be notified that
4 they're losing their house, when will
5 that happen? So this public hearing
6 to me means that they haven't been
7 officially notified yet, the house
8 number -- number -- number six of
9 ocean -- whatever is going to be
10 taken. So what happens to those
11 people? You just -- is this a public
12 hearing for this? Is this the only
13 public hearing? The point that I
14 read about, nobody here whose house
15 is being taken has received anything
16 in the mail which is an official
17 formal notification. It's not a
18 notification that Joan Relic
19 (phonetic) in her Newsday article
20 writes that forty-one houses are
21 going to be taken. That's
22 information, but it's not the
23 information that these people have.
24 The second thing, the second
25 thing is: What is the public



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2 purpose? The stated public purpose
3 is that the south shore of Long
4 Island is going to be protected.
5 Well, anybody who has been on the
6 beach for a long time and who lives
7 on the beach now for most of the year
8 or all of the year will notice that
9 since there is an open -- a breach, a
10 big breach that no one is closing and
11 more water goes in and less water
12 comes out, that the tides -- the high
13 and the low tides are beginning to
14 look the same. So that's the
15 purpose -- the stated purpose.

16 Also, the United States
17 Geological survey said that this
18 would not make any difference, that
19 this will not help the south shore.
20 So, therefore, who is it going to
21 help? It's not going to help me.
22 It's not going to make mine any safer
23 because you're not putting the sand
24 where the sand belongs. The sand
25 belongs out in the ocean where the



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2 natural processes can happen, not
3 taking houses.

4 And yet economically I don't
5 think this is a very good deal. I
6 haven't run all the numbers about
7 these forty-one houses, but what they
8 pay in taxes, you're going lose that
9 money and everybody else is going to
10 be burdened. Funny that this is
11 happening. So I don't think this is
12 a very good project at all. The
13 numbers don't make any sense and the
14 process doesn't make any sense and
15 the way it's being done doesn't make
16 any sense either. Thank you very
17 much.

18 THE HEARING OFFICER: Thank
19 you.

20 (Applause.)

21 THE HEARING OFFICER: Okay.
22 The next people that I have are
23 Joanne Guerin and Carmine Padoremo
24 (phonetic). Please excuse me if I
25 mispronounced your names. Just



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2 Joanne, okay.

3 MS. GUERIN: Hi. I'm Joanne
4 Guerin. I'm from Kismet.

5 I'm almost nervous to give my
6 statement because it's a little bit
7 different. We're fortunate that our
8 house is not being taken and I feel
9 for those of you whose houses are.
10 Our situation is a little more
11 complex and in some cases simpler. A
12 foot -- we own two lots. In the
13 acquisition area or the easement
14 area, it's one entire lot and all of
15 our second lot, including a foot of
16 our dwelling.

17 So what I've been trying to
18 work out -- because I am for the
19 project, what I am trying to work out
20 is I would sign the easement if an
21 edit can be made to it that would
22 state that I am -- we are signing it,
23 my husband Carmine Padoremo and I are
24 signing an easement so you can have
25 the land under our home, not our



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2 home. The line that's drawn on the
3 map shows a foot of our house hanging
4 over and I have concerns about that.
5 So that's what I want to put for the
6 record.

7 THE HEARING OFFICER: Okay.
8 Can I ask you a question? That part
9 of the house that's hanging over that
10 line, is that currently decking or is
11 that actually part of --

12 MS. GUERIN: No, it's actual
13 house.

14 THE HEARING OFFICER: That's
15 part of your foundation?

16 MS. GUERIN: It's our living
17 room, yes.

18 THE HEARING OFFICER: So it's
19 part of your foundation. I don't
20 know if they anticipate raising your
21 house as a result of the project
22 because --

23 MS. GUERIN: No. The house is
24 sixteen feet. It's the -- the land
25 we're told is under the house. It's



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2 in front of the decking. The land
3 we're told they're doing is under the
4 physical property of the house. So
5 our -- we haven't gotten the
6 easement. The easements we were
7 asked to sign states that I will give
8 you an irrevocable, assignable and
9 perpetual easement that -- that you
10 can use that land.

11 And it says there's two
12 statements in there, so when you get
13 the statement, one is that if the
14 property is an obstruction to any
15 work being done and if the Army Corps
16 of Engineers or anyone they assign it
17 to if the Army Corps of Engineers
18 drops out of this project in the
19 future twenty years when my kids are
20 in the house, that that part of our
21 land is -- the way they're
22 constructing the dune, so we're an
23 obstruction, then our house is taken.
24 So I'm not going to donate my house.
25 I will donate the property. I'm not



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2 going to donate the house.

3 THE HEARING OFFICER: Okay.

4 Mr. Anderson, could you
5 instruct your staff to look into this
6 particular matter?

7 MS. GUERIN: It's Tax Map
8 Number 30.

9 THE HEARING OFFICER: I have
10 the TRN as 37 and 38 on the -- you
11 have it listed on here.

12 MS. GUERIN: Okay. You know
13 where it is?

14 THE HEARING OFFICER: Yes.

15 MS. GUERIN: In Kismet on
16 Seabay.

17 THE HEARING OFFICER: Okay.
18 All right. Great. How do you spell
19 your last name, ma'am? So we can
20 have it for the record.

21 MS. GUERIN: G-U-E-R-I-N.

22 THE HEARING OFFICER:
23 G-U-E-R-I-N. This is TRN Number 37
24 and 38. Ms. Guerin, would you come
25 here for a moment, please?



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2 Mr. Kessler, would you have
3 Ms. Guerin write her phone number on
4 this sheet of paper so that we can
5 have somebody from the Department of
6 Public Works contact her? Thank you.

7 Okay. The next name I have is
8 Steven Jaffe.

9 Mr. Jaffe, please give your
10 name and address to the stenographer.

11 MR. JAFFE: Steven Jaffe, 4
12 Cayuga, Ocean Bay Park, Fire Island
13 11770.

14 My name is Steven Jaffe and I'm
15 the President of the Ocean Bay Park
16 Homeowners Association. We are one
17 of the communities that will be
18 losing eighteen homes if this project
19 goes through. I am by no means an
20 expert, but I've decided -- dedicated
21 my volunteer time to this process to
22 try and understand why the use of
23 eminent domain is necessary for this
24 now moderate project at best. I want
25 to say that I am not against a



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2 project that will protect all of the
3 communities and those on the mainland
4 as well, but still find myself
5 begging for answers to certain
6 questions still not answered based on
7 the science behind the project and
8 logistical questions of a project of
9 such magnitude.

10 On October 29th, 2013 at a Fire
11 Island Association meeting, we were
12 given the maps for an FIP (phonetic)
13 project. A line was provided from an
14 aerial map showing that eighteen
15 homes would be affected by the FIP
16 project and OVP. We hit the
17 community, ask then to see what
18 alternatives could be provided, if
19 any, with these eighteen homes which
20 have been rebuilt since Super Storm
21 Sandy. We asked how this project
22 would affect our emergency responses
23 to homes on the beach which rely on
24 Traffic Avenue, an access route that
25 runs through our entire community on



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2 the beach for quick access to other
3 streets.

4 We asked how the engineer beach
5 that we and thirteen other
6 communities had previously signed up
7 for just vanished and how that
8 current project would protect us. We
9 asked to understand the tax
10 implications for removing eighteen
11 homes. Basically we asked for a
12 better understanding of what was to
13 come ahead and certainly a way to
14 help make this work for as many
15 impacted homeowners as possible.

16 In June 2014, we received word
17 that the FIP project was now becoming
18 the FIMI (phonetic) project and that
19 the huge project that was previously
20 set up and was now being modified to
21 what we consider a minimal project at
22 best. We asked again for answers to
23 our questions and to find a way to
24 possibly move five or six homes on to
25 Traffic Avenue and help as many homes



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2 as possible to be rescued. We asked
3 to be included and we asked to be
4 involved. Still we received no
5 answers to many questions posed.
6 Issues of ownership of traffic
7 remained unknown. We still have not
8 seen an actual landmark delineating
9 the project from the ground in any
10 form.

11 On December 10th of this year,
12 I went to another FIMI meeting and
13 once again asked about moving homes
14 and if we would see some proactive
15 responses from any questions put
16 forward in the past. I'm here today
17 to say that we still have not
18 received answers, no discussions of
19 alternatives, no solutions except for
20 a hearing regarding the use of
21 eminent domain. I will say it again
22 and I've said it in the past, we of
23 Ocean Bay Park are for a project that
24 protects our community and those
25 around us, but this project currently



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2 proposed does not seem to support
3 those types of protections, and the
4 lack of communication between our
5 community and those agencies involved
6 leaves me with little hope for real
7 answers in the coming year.

8 That being said, I know you
9 just spoke, Gil, and I just want to
10 put a few things out there. First
11 off, you used the word network
12 several times in your speech. I
13 teach technology for a living to
14 fifth graders. I would not use the
15 word network to explain a project of
16 hodgepodge sections or areas missing
17 in this network. This is like a
18 network for people with Alzheimer's
19 disease. No two pieces are
20 connected. It doesn't make any
21 sense.

22 Secondly, you mentioned three
23 alternatives. You're forgetting the
24 other alternative, which we were a
25 managed beach prior to this. And we



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2 had a hearing in Brookhaven that was
3 about to start our managed beach
4 project going forward for another
5 project that would have cost our
6 community for say -- \$1.8 million,
7 87.5 percent would have been covered
8 by the government. As soon as the
9 Army Corps stepped in that project
10 went away. So I have little faith
11 that you already had a managed beach
12 project that didn't involve any
13 removal of homes, now we have project
14 that is causing us great concern.

15 And lastly, you mentioned a
16 mitigation solution. What about the
17 impact of the new breach on the
18 flooding and the high watermark? I
19 know Fran had mentioned it. I was
20 just out here. I just left the
21 island. The flooding -- it is clear
22 to me that when a storm comes in and
23 the wind blows in, the high water and
24 the flooding is far greater on Ocean
25 Bay Park and Ocean Beach than it ever



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2 was prior to Super Storm Sandy. And
3 I think a study needs to be done in
4 how that is affecting our community
5 as well. Thank you very much for
6 your time.

7 THE HEARING OFFICER: Thank
8 you.

9 (Applause.)

10 THE HEARING OFFICER: The next
11 person is Jared Della Valle.

12 Please give your name and
13 address to the reporter.

14 MR. DELLA VALLE: Good evening.
15 My name is Jared Della Valle. I live
16 185 Plymouth Street in Brooklyn, New
17 York.

18 I am a New York licensed -- a
19 New York State licensed architect
20 Number 028432, a New York State
21 licensed real estate broker and real
22 estate developer by profession. I am
23 speaking from both the perspective of
24 both a homeowner and a licensed
25 professional within the industry of



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2 real estate. My family owns two
3 properties that are subject of the
4 hearing this evening and have been
5 identified as Track Number 361 and
6 804 in Ocean Bay Park.

7 Track Number 361 was severely
8 damaged in the storm and repaired
9 particularly due to the storm with a
10 new foundation and in full compliance
11 with current FEMA standards,
12 contemporary code as it stands for
13 flood protection. TRN 804 was
14 destroyed in its entirety and removed
15 by the Army Corps of Engineers as
16 part of the emergency island cleanup
17 on or about May of 2013. Plans for
18 reconstruction have been approved.
19 They have not commenced with
20 construction due to the presence of
21 the FIMI project and the lack of the
22 communication of -- with any and all
23 governmental agencies having
24 jurisdiction over the subject
25 project.



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1
2 Unlike many of my oceanfront
3 homeowners, I received the maps that
4 are being presented on December 24th
5 through my counsel this evening. And
6 my initial professional opinions are
7 that the maps that are being
8 presented both invalid and counters
9 the information contained within the
10 environmental assessment presented to
11 the public by the Army Corps of
12 Engineers and the subject of the EPA
13 which authorizes Suffolk County to
14 eminent domain for this project. It
15 identifies properties that were not
16 previously within Appendix E, Exhibit
17 A and, as a result, exceeds the
18 previously presented scope. Many
19 homeowners that are identified on the
20 map may not even know that their
21 property has been presented on this
22 map as it conflicts with prior
23 issuances, presentations and
24 documentation.

25 In addition, the maps have



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2 graphic depictions which are
3 inaccurate. In both instances, my
4 properties -- in both of my
5 properties, the diagram -- and I'm
6 referring to it deliberately as a
7 diagram because it cannot be
8 considered a cartographic device,
9 defects the physical structure of my
10 house and former house as exceeding
11 the property boundaries. I'm -- it
12 is no more accurate than the maps
13 that were presented in Appendix G,
14 Exhibit B of the EPA except they're a
15 greater scale. As an example, nine
16 of eighteen homes in the oceanfront
17 of Ocean Bay Park show their physical
18 structures exceed the property line,
19 which at a minimum indicates that
20 fifty percent of the data on this map
21 that you're presenting this evening
22 is inaccurate.

23 Surveys were theoretically
24 recently completed in December of
25 this year and the maps being



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2 presented do not take into account
3 the actual survey work that was
4 collected. I did not sign a right of
5 entry for survey work on my property.
6 I was not provided a notice that the
7 survey was completed in accordance
8 with law. Since my actual survey
9 work from my own recent structure was
10 completed post storm, I can factually
11 prove that the graphics shown are off
12 by more than twenty-five percent or
13 fifteen feet at a minimum.

14 Our community has several
15 resources which are proven resources
16 to the pursuit of alternate
17 strategies for acquisition in Ocean
18 Bay Park, the most obvious of which
19 is Traffic Avenue. There's not been
20 a single planning meeting with our
21 community to review alternatives to
22 acquisition despite repeated requests
23 by me and others to the Town, the
24 County, the State or the Corps. We
25 have heard that they are not ready



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2 yet.

3 I think this map is technically
4 invalid, was not provided with
5 sufficient notice or review. It does
6 not take into consideration our
7 community's needs, nor does it show
8 that an appropriate planning effort
9 has been made to avoid eminent domain
10 at all costs. It feels rush, it
11 feels uncalled for, and it presents
12 itself as a hammer for future
13 negotiations.

14 In the same way that the law is
15 clear on just compensation, I believe
16 that the term -- that the Town,
17 Suffolk County, the State and the
18 Corps have an obligation to present
19 information. Clearly this lack of
20 communication is disappointing and
21 egregious. I think we deserve
22 better. We deserve just
23 communication. That's it.

24 (Applause.)

25 THE HEARING OFFICER: Thank



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2 you.

3 Okay. Next is Mr. John
4 Armentano, an attorney with Farrell
5 Fritz.

6 Please note your appearance for
7 the stenographer.

8 MR. ARMENTANO: Yes. John
9 Armentano, Farrell Fritz, 100 Motor
10 Parkway, Hauppauge, New York. We
11 have a letter to be entered into
12 evidence.

13 THE HEARING OFFICER: Sure.
14 We'll take that.

15 Matthew, do you want to grab
16 that from the gentleman? And I
17 believe this is going to be Exhibit
18 Number 14.

19 (Whereupon, a letter from John
20 Armentano, Esq. was marked as Public
21 Hearing Exhibit 14, for identification,
22 as of this date.)

23 THE HEARING OFFICER:
24 Mr. Armentano, please continue.

25 MR. ARMENTANO: We represent



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2 several property owners in Ocean Bay
3 Park and only two of them received
4 notice of this hearing. So I think
5 the purposes here are not in
6 consideration of the Eminent Domain
7 Procedure Law. Article 2 is to shed
8 light on this process, in addition to
9 the issues that are raised,
10 alternatives that are considered.
11 The procedures here have to be
12 followed. And as far as we have
13 noted, they have not been, in
14 particular with reference to the
15 notice to the property owners.

16 One of the property owners
17 contacted me today and indicated he
18 did receive his tax bill, but he did
19 not receive notice of this hearing.
20 So why is this appropriate? I think
21 you would see based on the turnout
22 here, it's a light turnout for such a
23 large undertaking. The notices here
24 have not been submitted. The timing
25 of the hearing is during the holiday



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2 week which can't be by accident.

3 Also, the failure to provide notices
4 here does not permit the public or
5 property owners to know why this
6 route was taken. I think there are
7 alternatives here that could be
8 considered. It just seems to be one
9 that is be offering to be taken.

10 Many of the homeowners that we
11 represent have homes that are still
12 standing after Super Storm Sandy, so
13 that's an indication of how these
14 homes were built and how the natural
15 profile allows for the homes to
16 remain. The issue here is, you
17 know -- what we're looking at is an
18 abstract map that we just received on
19 December 23rd. I don't think anyone
20 else in this room or if there are
21 many, maybe just a few, who have seen
22 this map. The first time they're
23 seeing whether their homes are going
24 to be taken are on the billboards
25 outside, which I don't believe is the



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2 purpose for an eminent domain
3 procedure.

4 The map should have been
5 provided to the homeowners. That was
6 not the case. Notices were not
7 provided. The maps were not
8 provided. It's very hard to have a
9 public hearing in this venue with
10 these types of, you know -- talking
11 about people's homes are being taken
12 and we're not giving them any
13 understanding as to where the lines
14 are going to be drawn. So that seems
15 to violate the Eminent Domain
16 Procedure Law.

17 And again, this record does not
18 reflect alternate approaches. You
19 know, we just heard the issues here
20 that feasibility issues are the
21 reason why Alternative 3 is not being
22 provided. I think there has to be
23 much more of a discussion on this and
24 obviously the homeowners that we
25 represent would like to be a part of



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2 those discussions. Relocations,
3 other locations, changing of the use
4 of the width of Traffic Avenue, all
5 other alternatives should be
6 considered. So obviously our
7 statement is in our letter and these
8 are our points for tonight. Thank
9 you.

10 THE HEARING OFFICER: Thank
11 you, Mr. Armentano.

12 Okay. The next person I have
13 is Peter Incorvaia.

14 MR. INCORVAIA: Good evening.
15 I was very impressed with all of the
16 exhibits --

17 THE HEARING OFFICER: Please
18 give your name and address.

19 MR. INCORVAIA: Peter
20 Incorvaia, 39 Seneca, Ocean Bay Park.

21 I was very impressed with all
22 of the exhibits that you presented at
23 the beginning of the meeting and I'd
24 like to note on the record that my
25 house was one of the main exhibits



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2 for all the Army Corps of Engineer
3 reports, the New York Times. I was
4 completely wiped out. I'm north of
5 traffic, but yet my house was
6 completely obliterated. All I had
7 was posts left. I've rebuilt since.
8 My position on the record is that the
9 two towns that are being cut back are
10 the two narrowest towns on all
11 forty-five miles of Fire Island. The
12 mainland south shore of Long Island
13 now appreciates the value of Fire
14 Island and no longer resents the
15 monies that are spent there. Sandy
16 woke them up. It's a fact.

17 Why are we making the island
18 skinnier by taking away a hundred
19 feet of property and thus moving the
20 dunes back a hundred feet? We've got
21 the technology to build the dunes in
22 front of these houses that, by the
23 way, survived this horrific storm.
24 They stood there against forces of
25 nature. And now because somebody --



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2 somebody -- the Army Corps of
3 Engineers says there should be a
4 straight line, these houses are being
5 sacrificed? That's not fair.

6 So I stand very strongly
7 against this project's position. We
8 want to protect our homes and the
9 mainland, but do it without taking
10 away these homes. The aerial views
11 show how narrow the island is and it
12 gets narrower at those two points.
13 Okay? Also, the cuts in the dunes
14 have been from the Kismet cut -- I'm
15 just paraphrasing, the Kismet cut,
16 the Ocean Beach cut, the cut beyond
17 Point of Wood are all in areas
18 without any residents. Ocean Pay
19 Park's cut is right in front of
20 homes. There should be no cuts
21 there. There should only be cuts
22 where there are not private -- where
23 there are not any structures. Thank
24 you very much.

25 THE HEARING OFFICER: Thank



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2 you.

3 (Applause.)

4 THE HEARING OFFICER: The next
5 name I have is Bob Palermo.

6 Mr. Palermo, please give your
7 name and address to the stenographer.

8 MR. PALERMO: My name is Bob
9 Palermo. I live at 153 Conklin
10 Avenue, Patchogue. I've got a house
11 in Davis Park.

12 Most of my questions -- well,
13 you can't answer any questions, the
14 Board, but a lot of things that I was
15 going to ask were taken care of
16 already.

17 THE HEARING OFFICER: Okay.

18 MR. PALERMO: All right. But I
19 just want to give the audience a
20 perspective of what's going to -- on
21 how that they're claiming to protect
22 the south shore of Long Island, which
23 you're claiming you're going to do.
24 This stage is about forty-five feet
25 long, fifty feet maybe. Fire Island



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2 is about forty-five to fifty feet
3 long, forty-five feet approximately.
4 Twelve percent of that is going to
5 be -- sand is going to be deposited
6 which everybody is in favor of.
7 Okay? Twelve percent of that is
8 about your table that you're sitting
9 at, a little less than that. Now,
10 how is that going to protect the
11 mainland on Fire Island?

12 (Applause.)

13 MR. PALERMO: It's a question
14 you can't answer. As far as signing
15 the easement -- if I sign the
16 easement, now I can't get to my house
17 from the oceanfront to protect it.
18 If there's another severe storm and
19 my house gets crippled, I can't go
20 across that easement property without
21 a million permits, if they'll give me
22 a permit, to protect the house.
23 That's just another point I want to
24 make.

25 And then I'm in favor if I can



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2 move my house back to get it out of
3 the line. Now, to move my house back
4 to get it out of the line, go to
5 Brookhaven Town to try to get a
6 building permit, two years,
7 three years tops. So if anything can
8 be done to make life easier to move
9 the homes back out of harm's way to
10 get the sand, we'd appreciate it.

11 THE HEARING OFFICER:

12 Mr. Anderson, can we see if possibly
13 somebody from Public Works could
14 reach out to this individual?

15 Matthew, could you please take
16 this sheet and get the gentleman's
17 phone number regarding moving back
18 his parcel?

19 MR. PALERMO: That's all I'd
20 like to say. Thank you very much for
21 your time.

22 THE HEARING OFFICER: Thank
23 you.

24 (Applause.)

25 THE HEARING OFFICER: The next



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2 name I have is Dylan Wallace.

3 MR. WALLACE: I'm Dylan
4 Wallace, PO Box 91, Ocean Beach, New
5 York. I live on the ocean in
6 Corneille Estates.

7 I'm here speaking for my house
8 which was also my grandfather's which
9 is on the ocean. I just came behind
10 the eminent domain line, but -- and
11 affected -- my lot's affected. My
12 grandfather owned the entire
13 oceanfront in Corneille for a long
14 time. The '90s pretty much finished
15 him off there. We are directly west
16 of the Ocean Beach jetty. We live
17 there -- my family lived there prior
18 to it going in, knew it was going to
19 be disaster for many communities.
20 Everyone thought it was a personal
21 affair. It wasn't. And it has
22 proven that. I'm speaking also for
23 my sister who lives next to me, two
24 homes. We own three of the four
25 oceanfronts in Corneille.



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2 As of credibility, I'm not
3 saying anything -- I don't have any
4 credentials like everyone else, but
5 four generations on Fire Island.
6 I'll try to be quick because I want
7 some of the people who are a little
8 older than me that spoke to me in the
9 back to speak because they can tell
10 you by experience. But four
11 generations on Fire Island, over
12 twenty years of erosion control. I
13 still work for the erosion control
14 district.

15 Fourteen years on the beach.
16 I'm blessed to live in this house
17 literally on the beach.
18 Eighteen years as an ocean lifeguard
19 and over twenty years surfing. And
20 the reason I'm saying that is that I
21 spend my entire life staring at this
22 ocean, my hobbies, my work and where
23 I live. It's a blessing. And storms
24 come and storms go. And the sand is
25 definitely going.



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2 I'm not saying anything against
3 climate change and sea level rising.
4 It happens. My grandfather's house
5 is a hundred yards out in the ocean
6 in front of me fifty years ago. But
7 there are many, many things that have
8 not been done to protect Long Island
9 and Fire Island. And now that Sandy
10 has woken everyone up and we're
11 getting this attention, the right
12 things need to be done, not the wrong
13 things.

14 Now, there's a lot of studies
15 and impact studies and, you know,
16 erosion studies and everything that,
17 you know -- all this information's
18 out there, Lee Copperman (phonetic)
19 in Stony Brook. Four thousand homes
20 on Fire Island, everyone, and look
21 who's here at the meeting? It's not
22 right. You know? It's just --
23 it's -- I laugh because I'm just so
24 in shock that this is happening, but
25 I'll go quick. Sorry.



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2 The last -- the last sand
3 project, the sand went -- they told
4 me the jetties in Ocean Beach would
5 not be seen for one year. I laughed
6 because in two weeks they showed
7 themselves which made us worse. The
8 sand is pumped everywhere else. The
9 same erosion happened around Ocean
10 Beach, it creates a hole. Five years
11 later they were supposed to come back
12 by contract, we all paid for it, and
13 fill it. When the guy showed up
14 after Sandy, I said do you know you
15 were supposed to be here and fill
16 this? Whether Sandy or Irene
17 happened or not, that's all void now.
18 So how do we know this isn't all
19 void?

20 I spoke to Ocean Beach for many
21 years about these groins and, like I
22 said, they thought it was a personal
23 matter. They told me to go speak to
24 important people. Well, I did. Army
25 Corps of Engineers, the USGS which is



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2 the U.S. -- the United States
3 Geological Survey, Land Use Fish and
4 Game, Fire Island National Seashore
5 and the New York State DEC all agree
6 with me on many issues that the
7 groins are a disaster and they affect
8 many communities, not one. The --
9 even the plover home, that they
10 argued is that -- is the beaches are
11 shortened. So there are many things
12 contributing to erosion.

13 Back to the alternatives for
14 this project. The Fire Island Inlet
15 has never had a bypass system.
16 There's never been a pipe pumping the
17 sand. We face south. Nor'easters do
18 ten times more damage than the
19 hurricanes. The fifth largest was
20 originally called the 62 Project.
21 The 62, everyone, was a nor'easter,
22 not a hurricane. Hurricanes are
23 directly south, they do damage,
24 they're quick and they leave a lot of
25 sand. Nor'easters take and deposit



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2 it the next spot they could inlet.

3 And what has New York State done so
4 many times and Suffolk County?

5 Allowed that sand to be sold to the
6 Town of Babylon and Cedar Beach now
7 needs a bus to get to the beach while
8 our homes are falling into the ocean.

9 My father surfed Fire Island
10 Inlet 1962, we have photos of it.
11 The jetty was the end of the island.
12 It now goes for almost a mile of
13 rolling dunes. That was all sand in
14 front of our houses. They've
15 shallowed it, but they've never
16 scoped it. And I recently found out
17 that the bridge is being undermined
18 so much that they're dumping six
19 hundred pound concrete blocks and
20 they've been quitely trying to hush
21 that. If that inlet gets eroded
22 because of the sand, it will be
23 ripped out again when the jetty --
24 when the inlet is doing what it's
25 supposed to.



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2 So now we have two holes, means
3 more water and it's not getting out.
4 You put all this sand on the beach,
5 it's not -- you don't need it on the
6 beach. I've spoken to people back
7 here and they agree. Everyone who's
8 losing a home should really know
9 this. It's pretty obvious, they're
10 telling you where the dune line goes.
11 Oh, it goes through your house,
12 there's a dune line, dune line. I
13 live over there and like I told you,
14 I've seen it all. I've seen storms,
15 not evacuated.

16 The dunes maybe buy you a tide.
17 The dunes do not protect your home.
18 They do not protect the island.
19 Thirty, fifty, seventy foot dunes
20 don't help. The most we've ever had
21 a dune -- and I'm in the most
22 critical area of Fire Island. The
23 only groins are directly east of me.
24 The best dunes we had, we've tried it
25 all, is natural sand planted with



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2 grass with a fence. They don't have
3 to be tall, but they need to be wide.
4 That's survived us.

5 If you pull those jetties out
6 by us, I think -- believe me, I'm all
7 for sand here. I don't want anyone
8 thinking I'm not for sand, but the
9 right sand in the right place. That
10 jetty, I watched it. All the
11 sand from Irene and Sandy put a
12 hundred years' worth of sand there.
13 Even the sand projects, as soon as it
14 comes out of the northeast, it takes
15 it, puts it in the Atlantic and it
16 goes somewhere else. There's no
17 bypass.

18 A pipe running behind the dunes
19 all the way to Moriches and like a
20 well, everybody -- each community
21 gets a week of sand with a machine
22 fence, grass, that is a prevention
23 plan for the storm. Not a wait until
24 everyone is blown out, let's stay
25 long hours, put a little bit of sand,



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2 take a lot of homes. And then guess
3 what? Next storm you're going to be
4 all right. That is not the way. I'm
5 telling you, it is so true that this
6 is not right. Okay.

7 The trap bags from wherever far
8 north, they went all the way to
9 Florida, they became the erosion
10 control choice. There was never a
11 vote, nothing. That bag, if you look
12 it up, was designed to accelerate
13 water downstream along the
14 Mississippi. We put this in front of
15 our homes. We were told to raise our
16 homes on a hundred thousand dollars
17 pile foundations because it works.
18 Create your house like a pier. The
19 first one ever my grandfather told
20 them what am I going to do in the
21 '60s. Put your house on a pier.
22 Well, that house is being taken in
23 Robbins Rest. It hasn't moved an
24 inch since 1973. It works. The
25 water washes underneath, it goes



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2 away.

3 But what you're saying, we all
4 agree to that, let's put in solid
5 sand trap bags in front of it. So if
6 it's a south moving storm, it hits
7 it, accelerates up and blasts your
8 house which we've been trying to
9 protect. Or if it's a nor'easter
10 it'll accelerate westerly and wipe
11 out the guy next to you. This was
12 just put it in quick with no voting.
13 And there's garbage all over the
14 beach now with the erosion. The
15 grass does not grow, it does not
16 connect. The grass is the rebar of
17 the dunes. It evolved there. The
18 roots can go eleven to twelve feet.
19 They can't go through the bag. Wind
20 goes through the dune, in effect
21 slows it down and the sand drops, and
22 then the grass grows. Well, it hits
23 the trap bag and makes a hard turn.
24 It acts like water and it erodes.
25 That was a horrible mistake. It



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2 needs to be fixed.

3 They said it was temporary.
4 Nobody's pulling it out. It's
5 plastic on the natural seashore, and
6 the next storm that hits is going to
7 reek havoc. Areas that put in
8 natural erosion control are strong.
9 Areas that did the trap bags look
10 like the same day after Sandy when
11 they were put in. It's a disaster.

12 I never signed the ROE and I
13 will not. Nobody -- anytime
14 someone's asking you to sign
15 something -- if it was really
16 eminent, they'd come take your house.
17 Everybody, please wake up to this.
18 They're asking -- I understand people
19 want to make deals. I'm not trying
20 to prevent sand from coming. But if
21 they're only saying bad sand or no
22 sand, well, it's no sand. You need
23 to really think about this.

24 Everything's moving too fast
25 and too slow. This whole procedure



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2 of taking and moving and everyone's
3 uninformed, way too fast, way too
4 fast. You represent a tax base of
5 these people, and Fire Island isn't
6 just a -- it's a barrier beach, I
7 understand that, and it's here to
8 protect Long Island and I appreciate
9 that. But it's not just about those
10 people. I've lived there. There's a
11 lot of people that live there.

12 There's people that live there
13 seasonal. We come out there and we
14 enjoy it. And if you want to protect
15 those homes as well, you will protect
16 the south shore also.

17 These people should be informed
18 and the things that are moving too
19 slow is the recovery. There is
20 eighty thousand cubic yards sitting
21 at Field 5, beautiful sand that was
22 dredged from the bay there to open
23 your parking lots come spring. Not
24 one drop of sand or blade of grass
25 was put on the four thousand homes,



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2 nothing since Sandy. But they
3 have -- just so you know, that eighty
4 thousand cubic yards was recent. It
5 was done again to open the parks many
6 times. They keep putting the sand at
7 Field 5 because of the inlet. Move
8 it further east. I mean, this is
9 basic science.

10 In Australia they did a sand
11 pumping project. Before that, I'll
12 say after the World War II, my
13 grandfather wrote a letter that said
14 he would like the North Fork cleaned,
15 deposited from Rockaway to Montauk to
16 protect a half a mile out. It would
17 be great for fishing and surfing and
18 protect. They turned it down.
19 Delaware did it and it protected
20 them. Now they're talking about the
21 half of concrete wave that goes from
22 Rockaway to Montauk, \$60 million. I
23 mean, I understand that local don't
24 have too many degrees, but we do
25 stare at the same thing you're



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2 talking about. We live there.

3 If you put the sand the way
4 Australia did it, they don't put any
5 sand on the beach. I'm for sand, but
6 put it the right way. They do a V.
7 You could drive a bulldozer over
8 these Vs. These Vs are every half a
9 mile. They go five hundred yards out
10 to the sandbar. They go a half a
11 mile and do another V and they leave
12 it. They let the natural processes,
13 like you had mentioned before,
14 happen. The beach became four
15 hundred yards and over the next
16 couple years they -- natural waves
17 plus scrapping, they built their
18 dunes.

19 If you want to protect Long
20 Island and Fire Island, you need the
21 ocean waves to break differently, not
22 just put sand in front of them so
23 they get smushed again or washed
24 away. It needs to be done correctly.
25 You never -- the meeting -- the



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2 meeting you mentioned, sir, those
3 four meetings that you put in the
4 box, I went to those meetings. It
5 was a bunch of people walking around
6 with giant posters and every question
7 I asked I was told you have to mail
8 that in. Sorry, I can't answer that,
9 you got to mail that in. There was
10 no information for any of us.

11 There's never been any experts.
12 Every engineer that we come across
13 like you doesn't have answers for us.
14 We have to mail them in. I mean,
15 it's very frustrating when all these
16 intelligent people that have
17 credibility, unlike me, won't listen
18 to us. I spoke to Lee Copperman. I
19 called him at Stony Brook. They were
20 putting together a library. He told
21 me the jetty is getting removed in a
22 day and a half. Anybody who told you
23 that's a big project is a joke.
24 They're profiting off of it. He told
25 me the whole rundown.



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2 I was surfing in Hawaii and a
3 guy from the University of Hawaii
4 told me that I studied you, I'm a
5 geologist. Fire Island, oh, man, did
6 you guys screw that place up. He
7 said you face due south, you know,
8 groins, bulkheading. Oh, man, he had
9 every answer and he's all the way in
10 Hawaii and you guys are right here.
11 I'm -- don't quote me on this --
12 well, you're going to, but I don't
13 really know. It's got to be over
14 \$20 million in tax revenue on those
15 four thousand homes. We get nothing
16 for it. We all know it. We get a
17 spot. There's no roads. There's no
18 lights. We pay for our own garage
19 pickup. Come on.

20 (Applause.)

21 MR. WALLACE: But we understand
22 that that money goes somewhere and
23 that money for many, many years is
24 going somewhere. And this
25 \$41 million of this money, it sounds



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2 like big numbers. Think of how much
3 you paid into that, insurance and
4 taxes. The island has become so
5 supreme for the locals to live there
6 with the insurance and the new
7 construction laws and everything like
8 that --

9 THE HEARING OFFICER: I can
10 appreciate what you said. Okay?
11 However, there are other people who
12 have to speak.

13 MR. WALLACE: All right.

14 THE HEARING OFFICER: There's a
15 stenographer --

16 MR. WALLACE: All right.

17 THE HEARING OFFICER: Hold on,
18 hold on. There's a stenographer in
19 the anteroom. I recommend that you
20 continue there.

21 MR. WALLACE: All right.

22 THE HEARING OFFICER: I'm going
23 to read everything you have to say.

24 MR. WALLACE: Thank you.

25 (Applause.)



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2 THE HEARING OFFICER: All
3 right. The next person is Peter
4 Vogel.

5 Mr. Vogel, please give your
6 name and address to the stenographer.

7 MR. VOGEL: As soon as I get
8 over there. My name is Peter Vogel.
9 I live at 49E Bay View Avenue in
10 Ocean Bay Park.

11 There's been a lot of talk
12 here. A lot of it, I guess, I
13 understand from being at the beach
14 for quite a while. My parents built
15 the house in 1953 in Ocean Beach.
16 I've experienced many storms there.
17 Hurricanes that came without notice.
18 Like I think it was Carol in '55, I
19 was there after the storm in '62,
20 that winter March storm, saw a lot of
21 serious damage. I think that -- I'm
22 also a carter in Ocean Bay Park and
23 my wife joins me in that endeavor.
24 And we can all talk about the
25 enjoyment and pleasure of Fire



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2 Island, but there's also the economy
3 of people working at the beach.

4 Seeing all the work that went
5 into trying to reestablish the dunes
6 where they were in front of those
7 houses that are now possibly to be
8 taken. I saw over the last -- the
9 previous winter a lot of hard work
10 going into reconnecting houses that
11 were actually knocked off of
12 foundations where the foundations
13 were quite significant yet to -- but
14 the attachments had possibly rotted
15 out. There were other houses yet
16 truly destroyed, gone.

17 In the time from the storm
18 Sandy, a lot of people started
19 putting new foundations under their
20 house, all the way to the bay. A lot
21 of people felt that that was in their
22 interest. A lot of sand was actually
23 washed as far down to my house on the
24 bay from the storm. Houses that were
25 built with the zoning code in the



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2 later years seemed to have done a lot
3 better.

4 I don't know that one can
5 really predict the storms of the
6 future. They will come, but will
7 they be of this order, will they be
8 less, more, the tide? You know, it's
9 hard to really understand. I can see
10 that a lot of houses are up like
11 built on piers where, yeah, a storm
12 will come, a storm will go, but the
13 house will still be there. It'll be
14 livable. It will, you know -- and
15 there is work to be gained and I
16 guess that's maybe in my selfish
17 interest.

18 We deliver a lot of things. We
19 did a lot of cleanup jobs for people
20 in the community. We deliver things
21 to people that are renting the
22 houses. We also know the pride that
23 people take in these homes. This is
24 the hard work that has gone into
25 their lives in order to afford some



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2 of these homes, too.

3 So I don't think I can add much
4 more that hasn't been said and I
5 don't have a lot of facts and
6 figures. But I can say that I think
7 this process is frightening to a lot
8 of people, and I think in one
9 community to lose this many houses,
10 that's a tremendous economic and
11 emotional effect. That is not --
12 that is something to be considered
13 almost more than what you're saying
14 about where the dunes should be and
15 how we should protect ourselves.

16 A lot of work went on
17 rebuilding. The towns were in there,
18 people with equipment that they --
19 anyone acquired after the storm,
20 pushing a lot of the sand back into
21 place, a lot of construction, you
22 know, understanding what could happen
23 and it just did. So I think that --
24 I think we need to, I think, try to
25 think about this project a little



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2 more carefully as far as maybe not
3 going this route and it's not yet
4 time to give up these houses. I feel
5 that, you know, whether you believe
6 in the warming and the rise of the
7 ocean, yeah, there is an affected
8 area. But I also think that it's not
9 yet time.

10 THE HEARING OFFICER: As you
11 said, you were against the proposal.

12 MR. VOGEL: Yes.

13 THE HEARING OFFICER: Okay.

14 (Applause.)

15 THE HEARING OFFICER: Thank
16 you.

17 The next name is Jeanne Lynch.

18 MS. LYNCH: I have to
19 apologize. I left my eyeglasses in
20 the truck, so I have to use my
21 sunglasses.

22 THE HEARING OFFICER: We'll
23 turn the lights on bright for you.

24 MS. LYNCH: Anyway, I am Jeanne
25 Lynch. I also live with that man at



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2 49E Bay View Avenue, Ocean Bay Park.

3 (Applause.)

4 MS. LYNCH: And I'm going to
5 make it quick and easy because I'm
6 going read to you something that we
7 have already submitted in another
8 forum because we were told everything
9 has to be submitted in that form.

10 THE HEARING OFFICER: Would you
11 like to submit -- after you read it,
12 would you also like to submit it into
13 evidence?

14 MS. LYNCH: Sure. What the
15 heck.

16 THE HEARING OFFICER: Okay.
17 Good.

18 MS. LYNCH: Dear Army Corps of
19 Engineers -- and this case, I present
20 it to you as representatives of the
21 County. Okay? And I've written
22 it -- we've written it, my husband
23 and I, in his voice, but you can see
24 I speak for him in a lot of ways.

25 I have been coming to Fire



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2 Island since 1953, but have lived
3 here as a year-round resident of
4 Ocean Bay Park since 1972. My wife,
5 that would be me, arrived here in
6 1997. We operate a small carting
7 company here year-round. It has been
8 my experience in all these years to
9 have seen the beach narrow and widen
10 many times. I've seen storm damage
11 from numerous nor'easters, hurricanes
12 and storms like the one in March 1962
13 which resulted in the loss of many
14 house as well as to the east and --
15 as well as to the east, to west
16 oceanfront sidewalks in the
17 communities of Ocean Beach and Sea
18 View. More recently we have
19 experienced the Sandy storm and have
20 served witness to its destruction
21 here in our community and, more
22 importantly, the result of rebuilding
23 as well.

24 We're writing to express our
25 concern to those aspects of the FIMI



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2 plan which promote a detrimental
3 impact on your town insofar as it
4 promotes taking the east to west
5 street known as Traffic Avenue, as
6 well as the possible loss of nineteen
7 houses should relocation of the
8 community not prove viable. We
9 believe that the taking of these
10 homes and Traffic Avenue is being
11 done without full consideration to
12 the impacts it will create.

13 These homes and their
14 inhabitants are of great value to our
15 community. They are our neighbors,
16 friends and employers. The people
17 who occupy these homes, whether as
18 owners or renters, are a vital
19 resource here, not simply by their --
20 of their varied personalities and
21 background, which we appreciate, but
22 because they are part of the economic
23 fabric as well. In choosing to make
24 changes occur here, they become part
25 of the economic asset to our town.



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2 Their taxes are part of our structure
3 and the loss of them to our tax bill
4 will be felt.

5 They are professionals as well
6 as they require services of people
7 like my wife and myself who cart and
8 haul for them year-round or the
9 electricians, the plumbers, the
10 contractors, the landscapers, the
11 house cleaners and the other trade
12 people who similarly provide services
13 on their behalf. They purchase ferry
14 tickets, they shop the shops, they
15 eat at the restaurants on this side
16 of the Great South Bay and on the
17 mainland. To take them from our
18 community will deprive us of our
19 neighbors and create an economic
20 impact as well.

21 The part of the FIMI plan which
22 blankets the dune in the location of
23 the houses -- of these houses and
24 removes Traffic Avenue from use is
25 premature. So some of these houses



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2 experienced damages in the Sandy
3 storm. The larger number of them
4 have since been replaced on stronger
5 foundations and continued to be
6 improved at great cost to endure any
7 future storms. They deserve to
8 remain in their present location.

9 What funds will be expended to
10 take these houses should now instead
11 be utilized to provide additional
12 sand and strengthening of the beach
13 in front of them. We point out that
14 a great deal of post-Sandy efforts
15 put the dune that lie in back and in
16 front of these houses. To now
17 threaten their loss through eminent
18 domain is especially troubling.

19 We believe that it may be easy
20 for others who are not in the
21 position to suffer this type of loss
22 in their own communities to think it
23 is okay, that is to promote the
24 sacrifice of the dreams and hard work
25 of others without suffering any



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2 impact on their own. It's been
3 thought that this approach may be
4 seen as a foot in the door for
5 further taking of homes up and down
6 the beach should future storms
7 threaten. It is our fear that this
8 will become the norm.

9 With respect to the proposed
10 loss of Traffic Avenue as part of
11 this plan, we believe that it will
12 not only deprive our community of its
13 unique layout, but will create unsafe
14 conditions. Traffic Avenue improves
15 the ability of the police and the EMT
16 services, as well as our fire
17 department, which both my wife and I
18 are part of through volunteerism, to
19 respond to any emergency from
20 multiple directions. It is also a
21 vital service road utilized by all
22 trades and service providers. To
23 remove it from our streets will
24 create unsafe passage situations as
25 any vehicle will now be required to



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2 back up or down pathways which are
3 narrow to begin with and accessed by
4 pedestrians including young children
5 and other visitors heading to and
6 from the beach.

7 Similarly, any removal of the
8 dune cuts that culminate near Traffic
9 Avenue will also create a problem for
10 our community and the prompt mutual
11 aid response in times of need. We
12 respectfully request that all
13 considerations be given to promote a
14 plan that keeps our community intact
15 as much as possible. And that's
16 basically it.

17 They're not just houses, they
18 are a community. We are a community.
19 You're going take a smile out of our
20 town. Each house is a tooth and
21 we're going to be real ugly without
22 them. So please give full
23 consideration to that. Thank you.

24 THE HEARING OFFICER: Thank
25 you.



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2 (Applause.)

3 THE HEARING OFFICER: Can you
4 please get the letter?

5 Now, I don't know the first
6 name. I'm not really sure I can read
7 that, but the last name is Shlinbaum
8 from 9 Colonial Court.

9 MS. SHLINBAUM: Good evening.
10 My first name is Lark, L-A-R-K, and
11 my last name is Shlinbaum. My Fire
12 Island home is at 61 Monte Cristo
13 Walk in Atlantique.

14 And I just have a couple of
15 questions that I wanted to ask. I
16 was wondering first if you could go
17 over the dimensions and elevations of
18 Alternative Number 2 again.

19 THE HEARING OFFICER: Okay.
20 Normally, what happens in a situation
21 like this, I'll ask the engineer if
22 he wishes to address it. He may want
23 to address these things in writing
24 because he doesn't want to have a
25 conflict with his testimony a lot of



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2 times.

3 How would you like to address
4 that?

5 MR. ANDERSON: I think I can
6 answer it.

7 MS. SHLINBAUM: Thank you.

8 THE HEARING OFFICER: Okay.

9 MR. ANDERSON: The current plan
10 calls for the crest of the dune to be
11 at elevation fifteen. It'll be
12 twenty-five feet wide and slope in
13 either direction back at a one on
14 five slope. If grade is above --
15 let's say if you go landward, if the
16 grade is above the dune it will not
17 go back, it will basically just meet
18 that. But assuming the grade is
19 below that elevation fifteen in both
20 directions, the grade would slope
21 down to a one on five.

22 Seaward is a well-tuned
23 elevation of 9.5, and then from that
24 point, ninety feet seaward the beach
25 will be replenished to that



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2 elevation. From that ninety foot
3 point, it will then be seaward at a
4 grade of one on twelve until it
5 matches the existing grade.

6 MS. SHLINBAUM: Great. Thank
7 you. That helps a lot.

8 MR. ANDERSON: You're welcome.

9 MS. SHLINBAUM: The other
10 question I had is whether the maps
11 and the information in the lobby or
12 any of these proceedings are going to
13 be available online. In Atlantique I
14 have a number of members who are not
15 able to be here tonight. Is any of
16 this going to be on the computer?

17 THE HEARING OFFICER: What I'll
18 do is I'll forward that question over
19 to the County Executive's office and
20 I'll find out for you whether or not
21 they will be online.

22 MS. SHLINBAUM: That will be
23 great.

24 THE HEARING OFFICER: They're
25 in a better position to answer that.



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2 MR. BRAUN: In general, there's
3 already a website. It has as much
4 information on it as we have to put
5 on it. We're not holding anything
6 back, so...

7 THE HEARING OFFICER: Sure not,
8 sure not. You have probably given
9 more.

10 So it sounds to me like
11 probably as the process, it
12 appears -- and correct me if I'm
13 wrong, Mr. Braun (phonetic) -- that's
14 Robert Braun for the record. He's
15 deputy -- what is it, deputy --
16 deputy bureau chief over at the --

17 MR. BRAUN: County attorney.

18 MS. SHLINBAUM: Could you give
19 us the website? Where is that?

20 AUDIENCE MEMBER: It's Suffolk
21 County NY dot gov slash FIMI,
22 F-I-M-I.

23 MS. SHLINBAUM: Slash?

24 AUDIENCE MEMBER: FIMI.

25 THE HEARING OFFICER: FIMI,



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2 F-I-M-I. Suffolk County NY dot gov
3 slash FIMI, F-I-M-I.

4 AUDIENCE MEMBER: There's
5 nothing on that website.

6 MS. SHLINBAUM: I'm just
7 curious about the maps outside
8 because I have the same questions
9 raised by prior speakers about
10 accuracy. I just note on my
11 particular parcel it shows my north
12 property line going through the
13 house.

14 THE HEARING OFFICER: I'll
15 answer that. As Hearing Officer, I'm
16 familiar with that. The maps that
17 you see out there are called abstract
18 request maps. Basically it is a
19 start of the process, it is not a
20 formal acquisition map. Formal
21 acquisition maps are filed -- there
22 are two times they can be file. One
23 is in the public hearing which is not
24 being done in this case and that's
25 not unusual at all in large scale



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2 projects. And the other is when you
3 use an abstract request map like you
4 see here where possibly there are
5 parcels that could be potentially
6 affected. They make sure -- the
7 County makes sure they notify as many
8 homeowners and property owners as
9 possible. Okay?

10 Sometimes based on suggestions
11 that some of you have given here
12 today, there may be changes in how
13 they anticipate proceeding with the
14 project. I don't know that. That's
15 not my call. Okay? But it could.
16 Therefore, those people that were not
17 impacted previously may now be
18 impacted, and that's why the County
19 has elected to proceed with the
20 abstract request map, so this way
21 they can take more time and put more
22 care into the surveys that they're
23 doing for the actual acquisition.

24 MR. BRAUN: If I may --

25 MS. SHLINBAUM: So -- I'm



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2 sorry. Go ahead.

3 MR. BRAUN: I don't mean to
4 interrupt, Mr. Mascaro, but what's
5 outside, I believe, are tax map lines
6 superimposed over aerial photographs.

7 THE HEARING OFFICER: That is
8 correct.

9 MR. BRAUN: So they're not
10 necessarily accurate as to where your
11 house is on your lot. It's
12 somebody's best attempt to
13 superimpose the tax map over a
14 photograph to try to get it to line
15 up as much as possible.

16 THE HEARING OFFICER: Yes.
17 It's a depiction of what's
18 potentially impacted as a result of
19 the project of necessity. That means
20 more parcels are included on that map
21 than will ultimately be taken or
22 acquired as a result of the project.

23 MS. SHLINBAUM: So would it be
24 fair to say then -- for example, I'll
25 just refer to my own parcel. It



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2 shows a small easement area, but
3 that's not necessarily where it's
4 going to be, shown on that map?

5 THE HEARING OFFICER: Well,
6 not -- well, okay.

7 Go ahead, Mr. Anderson.

8 MR. ANDERSON: You're correct.
9 It's most likely -- what you see out
10 there is a depiction. The actually
11 placement and the relation of the
12 dune line to the property lines in
13 the house will be finalized with the
14 actual survey that is being prepared
15 and will be forwarded to all the
16 affected owners, whether it's for an
17 easement request or for full fee
18 acquisition.

19 MS. SHLINBAUM: So it'll get
20 more accurate?

21 MR. ANDERSON: Absolutely.

22 MS. SHLINBAUM: Great. Thank
23 you very much.

24 THE HEARING OFFICER: Thank
25 you.



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2 All right. The next name I
3 have is Alan Avidan.

4 MR. AVIDAN: Hi there.

5 THE HEARING OFFICER: Hello.
6 Please give your name and --

7 MR. AVIDAN: My name is Alan
8 Avidan. I'm from Spatanger
9 (phonetic) Walk in Spatangerville
10 (phonetic). In case you haven't
11 heard of it, it's actually a
12 community on Fire Island. And we --
13 for a long time we were -- we pride
14 ourselves on being very little known.
15 Apparently we took this a little too
16 far to the point that you don't even
17 have our map on the wall there.

18 THE HEARING OFFICER: That may
19 be good for you.

20 MR. AVIDAN: Well, maybe not so
21 because apparently no berm is being
22 planned in our community and we are
23 wondering why. We don't quite
24 understand why it is that a
25 significant number of houses that



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2 support Spatangerville, and several
3 more houses covered on the western
4 end of Water Island are also not
5 covered for some mysterious reason of
6 the design which I understood here
7 that -- I completely don't understand
8 how a gapped berm covering about a
9 quarter of the length of Fire Island
10 will actually create any protection
11 to anyone with all the State goals
12 here which are pretty lofty. And I
13 agree with all of them, it's just as
14 an engineer and I have a Ph.D. in
15 engineering and I fail to understand
16 how any of this would actually work.

17 And I also think that -- I'm
18 sorry if I look a little unprepared.
19 I had very little time for this
20 meeting. I only found out late this
21 afternoon that there is such a
22 meeting. Obviously something went
23 wrong in the process of notification,
24 you know, maybe tomorrow night could
25 have been also a good night to have



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2 this meeting.

3 (Applause.)

4 MR. AVIDAN: So I don't
5 understand also if we're going to
6 build this berm and it has gaps in
7 it, isn't it logical to assume that
8 water will flow laterally? And
9 actually somebody correctly pointed
10 out most of the damage that is
11 actually done by the nor'easters,
12 water flows laterally usually along
13 the dune which now will flow along
14 the berm and will flow right into
15 these gaps and will create a lot more
16 damage than possibly would have
17 occurred without it. Has anybody
18 considered this? And being in the
19 area that has that gap, I get the
20 feeling that, you know, we're doomed,
21 that this project is actually going
22 to doom us rather than help us.

23 How can we address this? And
24 how can we put Spatangerville on the
25 map to be covered? Why is it -- yes,



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2 we are covered by fins, by national
3 seashore on both sides, but -- and I
4 don't understand why is it that they
5 opted us out somehow for this
6 project. But can we put ourselves --
7 is there a way to revisit that plan
8 and put ourselves on the map? That's
9 all I have. Thank you.

10 THE HEARING OFFICER: Thank
11 you.

12 (Applause.)

13 THE HEARING OFFICER: Matthew,
14 get that gentleman's phone number.

15 The next name I have is James
16 Fallon, Jr. Mr. Fallon appears as an
17 attorney and an owner.

18 MR. FALLON: No, I'm not an
19 owner.

20 THE HEARING OFFICER: Oh,
21 you're an attorney for an owner.
22 Okay.

23 MR. FALLON: Good evening.
24 It's late. I know everybody would
25 like to go home at some point.



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2 THE HEARING OFFICER: Please
3 give your name for the record.

4 MR. FALLON: I'll make it
5 quick. I'm James P. Fallon, Jr., 53
6 Main Street, Sayville, New York. I'm
7 an attorney on behalf of Rosemary
8 Kelly (phonetic).

9 I have questions, really just
10 questions.

11 THE HEARING OFFICER: Okay.

12 MR. FALLON: The first
13 question, as it affects Rosemary, is:
14 What is a perpetual beach easement?
15 I know what an easement is, but
16 what -- what is that? What does
17 that -- how does that affect her?
18 What will you be able to do? How
19 long is it? Can you answer that?

20 THE HEARING OFFICER: What I'm
21 going to ask is, in a situation like
22 this, Counselor, what I'd like you to
23 do is state your questions. I'm
24 going to address them to the
25 engineering staff.



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2 MR. FALLON: Will they answer
3 them here?

4 THE HEARING OFFICER: I will
5 have them respond to you in writing.

6 MR. FALLON: Here are my
7 questions. That's one question,
8 what's perpetual beach easement. I
9 already heard Mr. LaGuardia and
10 Mr. Wallace. They gave very good
11 reasons as to why the plan makes no
12 sense.

13 My next question: It was said
14 that this was economically feasible.
15 Now, we're only talking about one
16 part of the plans. Okay? Can anyone
17 tell me what the anticipated cost of
18 this project is and who's going to
19 fund it? The next -- I'd like to
20 know: Who chose this date, who
21 picked this particular date for the
22 hearing? And I understand why the
23 Hearing Officer -- you're just here
24 to listen, to ask questions, run it
25 and then you make your



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2 recommendation. But could I ask your
3 qualifications? I'd be curious.

4 THE HEARING OFFICER:

5 Doctorate --

6 MR. FALLON: I'm sorry?

7 THE HEARING OFFICER: Property
8 management administrator for the
9 County of Suffolk County --

10 MR. FALLON: You're an
11 attorney?

12 THE HEARING OFFICER: -- for
13 eminent domain hearings since 1999.

14 MR. FALLON: Can I ask who
15 chose you?

16 THE HEARING OFFICER: I'm
17 selected by the Department of Public
18 Works as the Hearing Officer.

19 MR. FALLON: Did you work with
20 the Department of Public Works?

21 THE HEARING OFFICER: Yes, I
22 do.

23 MR. FALLON: Can you -- someone
24 tell me if you're going to have --
25 this proposal number two, how are



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2 they going to get the sand where it's
3 going to go? It's coming from the
4 ocean? They're going to barge it in?
5 How is that -- see, we don't know the
6 details of what's happening, how it's
7 working. You gave us a whole bunch
8 of the statutory sections to show
9 your authority, but nobody really
10 told us how it's going to work, how
11 much it's going to cost, who's going
12 to fund it. And it was a simple
13 question, a perpetual beach easement,
14 but I have to put it in writing to
15 get an answer. That's not right.

16 THE HEARING OFFICER: I didn't
17 ask you to put it in writing. I said
18 I was going to put it in writing and
19 have it addressed to you.

20 MR. FALLON: I appreciate that,
21 but you couldn't just tell us now
22 what it is?

23 THE HEARING OFFICER: Okay.
24 Perpetual beach easement -- here,
25 this will save me a letter that I



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2 have to write. A perpetual beach
3 easement is an easement for the
4 grading and creating of a dune in
5 this situation. Okay? It's also for
6 access to get to the dune in order to
7 replenish it.

8 MR. FALLON: But how do you get
9 to that? I mean, you can only be on
10 the dune area. Can you come through
11 the property?

12 THE HEARING OFFICER: What
13 would normally happen in a situation
14 like this is they would draw an
15 initial map that will describe the
16 easement area. That particular
17 easement area will then be depicted
18 and the owner has a right to either
19 convey or contest.

20 MR. FALLON: I'm not sure
21 that -- I'll wait for your response.
22 I'm not sure whether an easement --
23 perpetual beach easement allows you
24 to come over a property.

25 THE HEARING OFFICER: It



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2 doesn't allow you to access a
3 non-used area. You're a counsel, you
4 know that. You know if you get an
5 easement for a certain area, you
6 can't have access to another easement
7 because you're doing another area,
8 you know that.

9 MR. FALLON: That's correct,
10 but I'll have to wait. I'll wait for
11 your response and see what it says.

12 THE HEARING OFFICER: All
13 right.

14 MR. FALLON: Have a good night.

15 THE HEARING OFFICER: Thank
16 you.

17 All right. The next name is
18 Dru Finley.

19 MS. FINLEY: My name is Dru
20 Finley. My family owns a home at 48
21 Traffic in Ocean Bay Park. I am not
22 an engineer. I'm not an architect.
23 I'm really here -- I have a lot of
24 questions, I apologize, Nicole. But
25 I'm hoping to get answers. If not



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2 tonight, if you can keep records of
3 them and get me answers. This has
4 been the only opportunity that I have
5 had to even ask questions, and I'm
6 hoping to just get some answers and I
7 think a lot of people are.

8 THE HEARING OFFICER: Okay.

9 MS. FINELY: So I think I just
10 want to read my questions if that's
11 all right.

12 THE HEARING OFFICER: Sure.

13 MS. FINLEY: And then you can
14 let me know on how we can get some
15 responses or even if you do respond.
16 I don't know how this work.

17 THE HEARING OFFICER: Well,
18 what we would normally do in a
19 situation like this is we would --
20 normally this is not -- this is for
21 receiving testimony. It's not for
22 giving answers out here. Sometimes
23 that happens. What you do is state
24 your questions, the stenographer will
25 take them down. What I'll do then is



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2 forward them over to the appropriate
3 officials to address your concerns.

4 MS. FINLEY: Okay. Sounds
5 good.

6 THE HEARING OFFICER: Okay.

7 MS. FINELY: I'm going to
8 start.

9 THE HEARING OFFICER: Sure.

10 MS. FINLEY: So the first one
11 is: What is the plan for the
12 maintenance of the dunes? And where
13 is the funds -- where are the funds
14 for this coming from? You just
15 talked about the perpetual easement
16 having access for replenishments, so
17 I'm just curious to know where the
18 funds for that are coming from,
19 what's the plan for that.

20 Why is it that there is no
21 opportunity for us as homeowners to
22 discuss the line? Why has there been
23 no opportunity to review the maps?
24 Why have we not been provided with a
25 list of homes to be acquired? When



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2 will we be provided with a list of
3 homes to be acquired? I still have
4 not received anything, although I'm
5 on the oceanfront in Ocean Bay Park.
6 So I'm sort of making an assumption,
7 but that's really not the way I'd
8 like to proceed. It makes it very
9 difficult, life very difficult.

10 Why was the hearing suddenly
11 scheduled on the eve of New Year's
12 Eve? Why was there no appointment
13 made to inspect my home or anybody's
14 home as far as I know? Why was an
15 unlimited right of entry requested
16 and then no response given to the
17 questions regarding that request?

18 What -- the big one is: What
19 is the timetable, the true timetable
20 for this plan? And when -- when do
21 they expect to start? And if I'm to
22 lose my home, when is that going to
23 happen? Why -- you talked about four
24 or five other meetings you listed
25 dates for. Why was I as a homeowner



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2 never notified? I do receive my tax
3 bills, my, you know, other bills for
4 Fire Island and I never got any
5 notification. This is the first one
6 that I did happen to get this
7 notification like two days ago which
8 is not a lot of time and I live
9 several hours from here, but I still
10 came. And that is how important it
11 is to me and my family.

12 We had, with our home, a
13 long-term plan for living there and
14 for rental income which is very
15 important to us. And I'd like to
16 know how that's going to be
17 addressed. It's affected me already,
18 it hurt me the past summer and this
19 coming summer not knowing what's
20 going on. Certainly the minute I
21 tell somebody that there's a
22 possibility I won't own this, they
23 walk away. So it's already harmed us
24 significantly.

25 We would like to be relocated,



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2 but I'd like to know how we get
3 information on that. I've heard a
4 lot of talk about potential
5 relocation plans, but have not been
6 given anyplace to go for information.
7 Nobody's approached me from the
8 County, from the State, from
9 anywhere. When you talked about the
10 three alternatives, there was
11 discussion about Alternative 3 to
12 being -- I guess Alternative 3 being
13 more expensive and -- than
14 alternative -- the one the County is
15 going with. I'd like to know how
16 much more expensive. It talked about
17 reducing the duration of the, you
18 know -- using Alternative 3 would
19 reduce the duration of the dune. I'd
20 like to know what we are talking
21 about, specifics.

22 Those are just ideas out there.
23 We've got no information, and as the
24 gentleman just now said about what's
25 really going to happen and how is it



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2 going to happen and where is the
3 information about why this is going
4 to work. Are we supposed to just
5 trust it blindly? It's really hard
6 for me to understand.

7 When can we expect these formal
8 acquisition maps to be clarified?

9 There's a lot of talk about these are
10 not accurate yet, they are going to
11 change. When will they be finalized
12 and when do we get to see them? If
13 there is a buyout, will the funds be
14 enough to replace what I have now in
15 terms of location, in terms of
16 potential income, in terms of
17 obviously the size and condition and
18 all of those things? I would like to
19 know.

20 Forgive me if I pronounce it
21 wrong, Ms. Gellars (phonetic) was up
22 here and was talking about exactly
23 what's going to happen with her home.
24 I'm curious as to how she knows
25 exactly what's going to happen when I



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2 haven't the foggiest idea what's
3 happening with mine. How is the
4 reduced tax basis going to be
5 addressed? I think it's a serious
6 question and I think everybody in the
7 community deserves an understanding
8 of what the plan for that is because
9 it's a real impact.

10 The impact of the breach and
11 how that will be addressed is another
12 question I have. How will the time
13 and the money and the effort that I
14 put in after Sandy to repair my home
15 not knowing that there were any plans
16 for this going to be addressed to me
17 obviously, and there's many others
18 who are in the same position that I
19 am. You mentioned just now something
20 about reaching out to certain people
21 with questions. I'd like to know why
22 not everyone.

23 (Applause.)

24 MS. FINLEY: I have two more
25 questions. One is: In the very



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2 beginning there were certain things
3 that were put up on that website,
4 then very quickly removed. I'd like
5 to know why.

6 THE HEARING OFFICER: I have
7 nothing to do with that website.

8 MS. FINLEY: I'm not -- I
9 understand you can't answer all of
10 these questions, but I'm hoping that
11 they're getting taken down and
12 they're going to get answered.

13 THE HEARING OFFICER: Sure. Is
14 it possible I can get a copy of that
15 piece of paper that --

16 MS. FINLEY: I will type them
17 up because you will never be able to
18 read my handwriting.

19 THE HEARING OFFICER: All
20 right.

21 MS. FINLEY: I can barely read
22 it.

23 The last question I have is
24 when can I expect an answer to my
25 questions?



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2 (Applause.)

3 THE HEARING OFFICER: This is
4 what I would like you to do.
5 Ms. Allar, would you please write
6 down her TRN number on this?

7 In the meantime, what I'm going
8 to do is if you can type these up as
9 soon as possible --

10 MS. FINLEY: Sure.

11 THE HEARING OFFICER: -- and,
12 Ms. Allar, you have my e-mail
13 address. You can actually have her
14 e-mail them over to me, so this way I
15 can forward them to the appropriate
16 people.

17 The next name I have is Steven
18 Solomon (phonetic) or Solovny
19 (phonetic). I'm sorry, please
20 forgive me. It's hard to read some
21 of this handwriting. Mine's worst
22 than yours, trust me.

23 MR. SOLOMON: Now I got to read
24 this.

25 Good evening.



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2 THE HEARING OFFICER: Good

3 evening.

4 MR. SOLOMON: My name is Steven
5 Solomon. My family's had a house in
6 Ocean Beach for approximately
7 twenty-six years and I'm fortunate
8 enough to have been able to enjoy it,
9 all those times at the beach. My
10 heart goes out to a lot of people in
11 this room because I understand the
12 emotions that they do feel. As I
13 come here to represent my family who
14 are close to almost eighty years old,
15 they got a letter saying there was a
16 meeting. I came here for them.
17 Their house is on the ocean. It
18 literally fell down. It was put back
19 up to FEMA coastal flood regulations.
20 I'm not sure by looking at the plan
21 that's out there that we may be
22 impacted or not impacted. I can't
23 decipher that.

24 I have a couple of things that
25 I'd like to ask you though, if you'd



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2 just bear with me one second. When
3 will we be receiving an individual
4 plan as owners for each dune project
5 as to how the dunes are going to
6 affect each actual property? For
7 example, when we file a permit and we
8 do our surveys, we have to file it
9 with the Town and give them a very
10 detailed survey as to each elevation
11 that pertains to our section, lot and
12 block. Are we going to receive that
13 prior to doing these projects for
14 each individual property? That's one
15 question.

16 And one thing that I am asking,
17 because I do believe we're going to
18 need that as owners, the line is
19 straight on the plan, but the ocean
20 is not straight. I'm not an
21 engineer, I'm a contractor, former
22 contractor for a long time. I've
23 also watched this happen. Like many
24 other people said, the line is a
25 straight line and the ocean is not.



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2 The dunes never were straight and any
3 sections that were straight, they
4 wash away. There's no guarantee that
5 whatever we do mother nature may
6 decide to take out. I'm concerned
7 about that, and I'm wondering because
8 somebody had mentioned to me what's
9 the difference if the line was
10 straight, a little different, maybe
11 we just went around this house a
12 little bit, came out an extra
13 twelve feet.

14 I think that by coming up with
15 a remedy that creates compromise, it
16 won't work for every situation, but
17 it could work for a majority of
18 homes. It may also save a lot of
19 money for the Town, the time and also
20 may prevent a lot of litigation and
21 fundamentally stop this project. I
22 believe that coming up with a
23 compromise to do that is something
24 the engineers should surely consider.
25 It is it feasible.



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2 A couple other things. I don't
3 know if there was an environmental
4 aspect study done. I wasn't aware of
5 it. I'm not sure. But I was on the
6 beach when the Army Corps of
7 Engineers were actually doing their
8 job as we raised our house. And I
9 will quote one of them who was there
10 one day and came back the next day
11 and his markings in the sand were
12 gone, and he told me that he has
13 never seen a beach structure such as
14 this. And he's worked from Florida
15 all the way up the coast on both
16 sides in both oceans. So I said
17 well, how do we fix it? He said he
18 doesn't think it is fixable. That
19 was his answer to me.

20 I'm only relaying this to you
21 because I want to make sure whatever
22 you're doing or whatever we try to do
23 is actually going to work and that it
24 gets done to protect what's really
25 important, everybody's freedom and



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2 everyone being able to enjoy the use
3 of the land that's there. It's not
4 just the residents on the Fire Island
5 and Ocean Beach and all the other
6 towns. Those ferries are packed
7 night and day bringing thousands of
8 people and revenue, not just from
9 Long Island, but tourism, too. I
10 just want to know if an environmental
11 aspect was done for each property and
12 if one will be done for each property
13 prior to doing any type of
14 construction to make sure that the
15 attempt or the dune that you're going
16 to put in will not affect other
17 pieces of property, including our
18 neighbors.

19 I've had some people say to me,
20 well, if you put that there, that's
21 going to cause the water to cause
22 damage on my property here, and I've
23 seen that happen across the years. I
24 want to try to make sure that I point
25 this out so we can prevent these



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2 types of issues coming up in the
3 future.

4 I was in Atlantique over the
5 summer. There was a breach from the
6 ocean to the bay. I don't believe
7 that it was in any newspaper or
8 anything. There was a storm that
9 caused the breach. Atlantique, as
10 far as I can remember or recall at
11 this point now, has quite a very long
12 beach area. Okay? Probably one of
13 the longest sections of beach on Fire
14 Island right now. The ocean breached
15 from one side to the other. And that
16 was just a rainstorm, not a
17 hurricane. I believe that you guys
18 should consider putting a dune back
19 at the minimum the way it was to
20 protect the integrity of the island
21 right now while all of these other
22 questions and everything else that's
23 going to come up may cause delays for
24 this major project that has still not
25 come to a finalized plan.



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2 But I do think that the County
3 should do something to protect the
4 south shore and also the beach.

5 Doing nothing is not going to get us
6 anywhere. But a start, a foundation,
7 putting back the dunes that were
8 there will surely create a protective
9 barrier or a protective approach. We
10 could always increase on those and do
11 studies on those and see what will
12 work and what will be beneficial for
13 the island and also Fire Island.

14 I want to know if the Town or
15 Army Corps has a completion schedule
16 for this whole project. I don't
17 know. I haven't seen one. A start
18 date, a time date. I also would like
19 to know if they have an emergency
20 plan if another storm or disaster
21 happens during the course of this
22 construction. Is it going to be a
23 contingency plan where the
24 contractors have insurance? What's
25 going to be in place to protect the



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2 project once it starts and the
3 integrity of the project once it gets
4 completed?

5 What about also the homeowners
6 that have done work so far? Some
7 people came up and they said they've
8 done work, they've renovated. A lot
9 of homeowners have rebuilt. A lot of
10 homeowners have rebuilt to FEMA
11 constructions -- FEMA costal
12 construction plans and elevations.
13 Is there going to be some sort of
14 contingency? Because people may have
15 spent all of this money. Or if you
16 take over the eminent domain of
17 houses that were already constructed,
18 will they be reimbursed for the money
19 they had put back into it already to
20 comply with FEMA and coastal
21 construction being that these houses
22 have been already raised and they're
23 up in the air? I don't -- I don't
24 know if you have a plan for that, but
25 I was wondering if homeowners would



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2 be reimbursed if they do fall into
3 that eminent domain, if they did the
4 work, if they were permitted to do
5 so.

6 That's all the questions I have
7 for you at this time. I wish
8 everyone good luck.

9 THE HEARING OFFICER: Thank
10 you.

11 (Applause.)

12 THE HEARING OFFICER: Matthew,
13 are there any more names?

14 THE INTERN: No.

15 THE HEARING OFFICER: Okay. I
16 will reserve decision for thirty days
17 in order to receive any further
18 written comments from members of the
19 public. If I receive any written
20 comments from members of the public
21 during this thirty-day period, I
22 shall further reserve decision for an
23 additional fifteen days.

24 The written comments will be
25 forwarded to the County proponent,



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2 the representative of the Suffolk
3 County Department of Public Works,
4 and/or the representative of the
5 Suffolk County Department of Planning
6 and the Council on Environmental
7 Quality for review and official
8 reply. Their official reply must be
9 received within the additional
10 fifteen-day period in order for their
11 official reply to be considered. If
12 it is determined that additional time
13 is needed for the receipt of the
14 written comments prior to expiration
15 of the thirty-day comment period or
16 for an official reply during the
17 additional fifteen-day period, I will
18 direct that a Notice of Adjourned
19 Comment Period be published in the
20 official County newspapers.

21 Upon the closing of the written
22 public comment and the official reply
23 periods and upon the receipt of the
24 stenographic transcripts of this
25 public hearing, I shall review the



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2 transcript and all timely received
3 written public comments and official
4 replies. Then pursuant to Article 2
5 of the New York State Eminent Domain
6 Procedure Law, I shall complete my
7 findings and determinations within
8 ninety days and file same with the
9 clerk of the Suffolk County
10 Legislature.

11 Additionally, I shall publish a
12 written synopsis of findings and
13 determinations in the official County
14 newspapers. If any member of the
15 public would like to obtain copies of
16 the findings and determinations, they
17 may do so by writing to the clerk of
18 the Suffolk County Legislature who is
19 authorized to furnish same to the
20 public pursuant to the provisions of
21 the New York State Eminent Domain
22 Procedure Law.

23 This hearing is declared
24 recessed subject to receipt of any
25 additional written statements within



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2 the time constraints previously
3 stated. Thank you, and have a good
4 evening.

5 (Time noted: 9:24 p.m.)

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I N D E X

EXHIBITS

PUBLIC HEARING	DESCRIPTION	PAGE
1	A certified copy of Adopted Resolution Number 1005 of 1979 adopting Local Law Number 32 of 1979	5
2	A certified copy of Adopted Resolution Number 47 of 1991 adopting Local Law Number 13 of 1991	6
3	A certified copy of Resolution Number 1119 of 1998 adopting Local Law Number 8 of 1998	6
4	A certified copy of Adopted Resolution Number 141 of 2006 adopting Local Law Number 19 of 2006	7
5	A certified copy of Adopted Resolution Number 127 of 2006 adopting Local Law Number 16 of 2006	8
6	The designation of Geoff Mascaro as Hearing Officer	8



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I N D E X (continued)

EXHIBITS (continued)

DEPARTMENT'S	DESCRIPTION	PAGE
7	A certified copy of Adopted Resolution Number 1062 of 2014	9
8	The notice of public hearing	9
9	Affidavits of publication	10
10	Affidavit of mailing to affected property owners	10
11	The Abstract Request Map dated November 17th, 2014	16
12	Four documents	35
13	A letter from Jacques Lilly	36
14	A letter from John Armentano, Esq.	71



* E R R A T A *

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CASE NAME:

DATE OF DEPOSITION:

NAME OF WITNESS:

PAGE LINE

----- CHANGE:-----

REASON:-----

----- CHANGE:-----

WITNESS SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE

ME THIS ___ DAY OF _____, 20__

NOTARY PUBLIC MY COMMISSION EXPIRES _____



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