

Recording an Easement

The package of documents you must submit will include the following:

- ✓ A completed Suffolk County Recording & Endorsement Page as the cover sheet of the package.
- ✓ A completed New York State TP-584 form, and PBR Community Preservation Fund form (required for Riverhead and Southampton).
- ✓ An original signed and approved conservation easement, which should be exempt from County imposed recording fees.

In order to obtain a Credit Certificate you must submit a Title Insurance policy at your expense insuring the Commission as the holder of the easement and a certified copy of the recorded easement.

Residual Property Issues

- You will own the land with its development potential removed after the easement is recorded and its uses will be governed by the easement. You will also own Pine Barrens Credits as evidenced by the PBC Certificate.
- You are free to use your land consistent with the terms of the easement and other applicable land use regulations.
- If you do not wish to retain the property, it may be sold or donated. The easement is in perpetuity and therefore remains in effect and governs the use of the property even after its sale.

After Receiving PBCs

The Commission has been informed that the tax assessors in the towns do not view PBC Certificates as an interest in real property and that the PBC Certificates issued to you are not expected to be subject to real property assessments or real property taxes.

Since you will still own the land, you will still receive a tax bill. Your tax assessor may adjust your assessment based on the easement. Contact the assessor if you have questions about your assessment. If you sell your Pine Barrens Credits, there may be sales or income tax implications for you to consider.

Once you receive your PBC Certificate you have the option to sell, redeem or retain Pine Barrens Credits for sale or use in the future.

Sale or Purchase of PBCs

To facilitate the sale of PBCs, you may want to contact the Clearinghouse for a copy of the PBC Registry that contains a list of people who may be interested in purchasing PBCs. You may also advertise the PBCs for sale.

After negotiating an acceptable transaction, you and the buyer must complete and sign the form on the back of the PBC Certificate and submit the original certificate that has an embossed area, along with a bill of sale, to the Clearinghouse. The Clearinghouse will then send a new PBC Certificate that will have the new owner's name on it to the purchaser and will send a new PBC Certificate to you for any PBCs you may be retaining.

The Commission maintains a PBC Registry on its website: https://pb.state.ny.us/assets/1/6/Credit_registry.pdf

For information on the market value of PBCs: <https://pb.state.ny.us/documents/?CategoryId=5>

Chapter 6 of the Land Use Plan details the program: https://pb.state.ny.us/assets/1/6/CLUP_Vol_1_11-21-2012wamend.pdf

Pine Barrens Credits

By:
Pine Barrens Credit Clearinghouse for the Central Barrens Commission



Brookhaven Town member
James T.B. Tripp, Chair

Suffolk County member
Andrew P. Freleng, Vice Chair

New York State member
Mitchell H. Pally

Riverhead Town member
Daniel McCormick

Southampton Town member
Robert Anrig

For more information, contact:
Pine Barrens Credit Clearinghouse
624 Old Riverhead Road
Westhampton Beach, New York 11978

Phone: 631-288-1079

<https://pb.state.ny.us/>

Introduction

- ❖ The Pine Barrens Credit program was established in 1995 to maintain value in lands in the Core Preservation Area (the Core), which has been designated for protection under the Long Island Pine Barrens Protection Act (the Act) and the Central Pine Barrens Comprehensive Land Use Plan (the Plan).
- ❖ The Credit program promotes compact, efficient and orderly development within the Compatible Growth Area (CGA), in keeping with the intent of the Act.
- ❖ A *Credit* represents development potential that can be transferred from a privately-owned parcel within the Core to a parcel outside of the Core for additional residential units or to satisfy Suffolk County Department of Health Services sanitary flow requirements.
- ❖ One Credit = 300 GPD of sanitary sewage flow under Suffolk County Department of Health Services Regulations.
- ❖ There is a three step process for obtaining Pine Barrens Credit (PBC) Certificates:

Step 1: Obtain a Letter of Interpretation (LOI)

Step 2: Submit an application for the PBC Certificate to the Clearinghouse

Step 3: Address title issues, sign an easement, obtain title insurance and record the easement

What is a Pine Barrens Credit Certificate

The PBC Certificate is a document issued by the Clearinghouse that attests to the fact that the PBCs originally associated with a privately owned parcel in the Core are now eligible for sale or use.

In order to receive a PBC Certificate, a conservation easement governing the future use of the parcel must be placed on the parcel and filed with the Suffolk County Clerk.

Obtaining a Letter of Interpretation

- > A Letter of Interpretation is a document issued by the Clearinghouse stating the precise number of PBCs a parcel of land is entitled.
- > Pursuant to the Plan, partially improved parcels may receive a decreased allocation based upon the extent of improvement.
- > The LOI is valid for three (3) years from the date of its issuance.
- > If you disagree with the PBC allocation contained in the LOI, you may appeal your allocation to the Commission within thirty (30) days from the date the LOI is issued.

Application for PBCs

After obtaining the Letter of Interpretation, a property owner may apply for a PBC Certificate by submitting to the Clearinghouse the following:

- ✓ A completed application for PBC Certificate for each parcel
- ✓ Title Search at your expense
- ✓ A title search is necessary to identify mortgages, outstanding taxes, easements, liens and related items with respect to a parcel
- ✓ Title Policy, at your expense, insuring the Commission as the holder of the easement before the PBC Certificate can be issued
- ✓ Survey (if available; a survey is required if the property is partially developed)

Conservation Easement

A conservation easement is a legal agreement that restricts the future use of a parcel of property to achieve a conservation goal.

The easement would restrict the future development of the entire parcel while allowing for the continuation of the existing use.