

### Litigation Involving the Pine Barrens Commission

November 15, 2016; listed by filing date. See [pdf version of this chart here](#).

See [chart of comparative durations of litigation](#) here.

| Sequence Number | Subject                                                                                                              | Plaintiff(s)                                                                                                                                                                   | Defendant(s)                                                          | Court and Index Number                 | Date Filed | Date Decided                          |
|-----------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------|------------|---------------------------------------|
| 1               | Nondevelopment decision of 2/9/94 re Longwood Youth Sports Association proposal at Firemen's Park, Ridge, Brookhaven | LI Pine Barrens Society, Richard Amper, North Fork Environmental Council, Long Island Group of the Sierra Club, Open Space Council, Act Now!, Desiree Passantino, Joseph Colao | Commission                                                            | Supreme Court, Suffolk County 94-5363  | 3/11/94    | 4/28/98 ( <a href="#">decision</a> )  |
| 2               | Parcel inventory and property owner notification                                                                     | W.J.F. Realty Corp., Reed Rubin                                                                                                                                                | Commission                                                            | Supreme Court, Suffolk County 94-8132  | 4/8/94     | 11/17/94 ( <a href="#">decision</a> ) |
| 3               | Statutory challenge to Pine Barrens Protection Act                                                                   | W.J.F. Realty Corp., Reed Rubin                                                                                                                                                | Commission, State of New York, Langdon Marsh, NYS DEC, Suffolk County | Supreme Court, Suffolk County 94-22784 | 9/19/94    | 4/22/98 ( <a href="#">decision</a> )  |
| 4               | Economic analysis                                                                                                    | LI Builders Institute                                                                                                                                                          | Commission                                                            | Supreme Court, Suffolk County 95-11218 | 5/12/95    | 5/22/95 ( <a href="#">decision</a> )  |

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| 5 | Parcel inventory                                                                                          | Siegel Fenchel & Peddy                                                                                                                                                                       | Commission,<br>Raymond Corwin                                        | Supreme<br>Court,<br>Suffolk<br>County<br>95-29078                  | 12/6/95 | 4/18/97<br>( <a href="#">decision</a> )                                                                               |
| 6 | Statutory challenge to<br>Pine Barrens Protection<br>Act                                                  | Henry Dittmer, et al.                                                                                                                                                                        | Commission, Suffolk<br>County, Brookhaven<br>Town, Riverhead<br>Town | US District<br>Court for<br>Eastern<br>District of<br>NY<br>96-2206 | 5/3/96  | 2/21/02<br>( <a href="#">decision</a> )<br>(Also see<br>2/28/03 2nd<br>Circuit<br><a href="#">Summary<br/>Order</a> ) |
| 7 | Commission approval of<br>8/26/96 re Marando<br>(Manorville) Nurseries<br>project, Brookhaven             | LI Pine Barrens Society,<br>Richard Amper, Peter<br>Maniscalco, John Scully,<br>Leslie Hannelin                                                                                              | Commission                                                           | Supreme<br>Court,<br>Suffolk<br>County<br>96-24091                  | 9/18/96 | 2/10/98<br>( <a href="#">decision</a> )                                                                               |
| 8 | 6/24/98 Pine Barrens<br>Credit allocation to<br>parcels in Manorville and<br>Middle Island,<br>Brookhaven | Robert I. Toussie                                                                                                                                                                            | Commission                                                           | Supreme<br>Court,<br>Suffolk<br>County<br>98-17135                  | 7/22/98 | 5/26/1999<br>( <a href="#">decision</a> )                                                                             |
| 9 | Nondevelopment<br>decision of 5/10/00 re<br>horse arena in Core,<br>Manorville, Brookhaven                | LI Pine Barrens Society,<br>Richard Amper,<br>Katherine Forster<br>Screven, Frank P. Foster,<br>John Trocchio, Richard<br>and Pamela Gatz, Anna<br>Marie Forster Czarnecki,<br>Pamela Todaro | Commission, Carolyn<br>Jolly d/b/a Hidden<br>Pond Stables            | Supreme<br>Court,<br>Suffolk<br>County<br>00-14222                  | 8/8/00  | 3/19/01<br>( <a href="#">decision</a> )<br>Entered<br>11/20/01                                                        |

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| 10 | Nondevelopment decision of 7/12/00 re horse arena in Core, Manorville, Brookhaven           | LI Pine Barrens Society, Richard Amper, Kenneth and Irene Kneski, Stanley and Genevieve Horton                              | Commission, Sloane Marcus, Maria Hickey                                        | Supreme Court, Suffolk County 00-19896                 | 8/9/00  | 3/20/01 ( <a href="#">decision</a> ) Entered 6/11/01                                                 |
| 11 | Statutory challenge to Pine Barrens Protection Act                                          | Walter Olsen, et al.                                                                                                        | NYS DEC, et al.                                                                | Supreme Court, Albany County 01-3600                   | 6/22/01 | 5/7/02 ( <a href="#">decision</a> ) (Also see 7/24/03 3rd Department <a href="#">Decision</a> )      |
| 12 | Statutory challenge to Pine Barrens Protection Act                                          | Gladys Gherardi et al.                                                                                                      | State of NY, et al.                                                            | US District Court for Northern District of NY; 01-1066 | 6/28/01 | 12/11/03 ( <a href="#">decision</a> ) (Also see 12/22/05 2nd Circuit <a href="#">Summary Order</a> ) |
| 13 | 7/10/02 Firemen's Park Core hardship permit, Ridge, Brookhaven                              | LI Pine Barrens Society, Richard Amper, Carole Jones, Paul J. Decker, Eric Burke, Yolanda Susi, Joseph P. Walsh, Kim Darrow | Commission, Brookhaven Town Parks Department, Joseph Callari, Frank Vigliarolo | Supreme Court, Suffolk County 02-20643                 | 8/7/02  | 2/26/03 (amended decision) ( <a href="#">decision</a> )                                              |
| 14 | Assertion of jurisdiction of 3/20/02 re Spring Meadow subdivision, Wading River, Brookhaven | Spring Meadow Enterprises                                                                                                   | Commission                                                                     | Supreme Court, Suffolk County 02-20765                 | 8/9/02  | 2/11/03 ( <a href="#">decision</a> )                                                                 |

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| 15 | Field Day Music Concert, Calverton, Riverhead                                                                 | LI Pine Barrens Society, Richard Amper, Neighborhood Network Research Center, Neil Lewis, North Fork Audubon Society, Mary Mulcahy, North Fork Environmental Council, Howard Meinke, North Shore Audubon Society, Jennifer Wilson Pines, Open Space Now, Alex Wipf, Wayne Rambo, Scott Neary, Margaret Caputo, Robert and Joyce Moss, Louis Fastore | Riverhead Town, Riverhead Town Community Development Agency, Suffolk County Health Department, Commission, New York Music Festival, Andrew Dreskin, Andrew Dreskin Investments | Supreme Court, Suffolk County 03-13625 | 5/27/03 | 5/30/03 ( <a href="#">decision</a> )                                                            |
| 16 | Development decision of 6/21/06 re clearing for agriculture in Core for Manorville Estates Winery, Brookhaven | Gladys Gherardi                                                                                                                                                                                                                                                                                                                                     | Commission                                                                                                                                                                     | Supreme Court, Suffolk County 06-17693 | 7/19/06 | 8/1/07 ( <a href="#">decision</a> )                                                             |
| 17 | Southaven County Park trap and skeet range, Yaphank, Brookhaven                                               | LI Pine Barrens Society, Richard Amper, South Yaphank Civic Association, Johan McConnell, John Del Buono, Howard Carpluk Sue Davis, Douglas Steigerwald                                                                                                                                                                                             | Commission, Suffolk County, Hunter Sports Shooting Grounds                                                                                                                     | Supreme Court, Suffolk County 06-22354 | 8/11/06 | 5/2/07 ( <a href="#">decision</a> ) (Also see 10/7/08 2nd Department <a href="#">decision</a> ) |
| 18 | Assertion of jurisdiction                                                                                     | Island Water Park Corp.,                                                                                                                                                                                                                                                                                                                            | Commission,                                                                                                                                                                    | Supreme                                | 8/17/06 | 4/3/07                                                                                          |

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|    | of 7/19/06 re Island Water Park, Calverton, Riverhead                                              | Eric Scott                                             | Town of Riverhead         | Court, Suffolk County 06-21016         |         | ( <a href="#">decision</a> )                                                                                                         |
| 19 | Assertion of jurisdiction of 4/18/07 re Riverhead Town Recreational Facility, Calverton, Riverhead | Riverhead Town, Riverhead Community Development Agency | Commission                | Supreme Court, Suffolk County 07-14186 | 5/3/07  | 1/30/08 ( <a href="#">decision</a> and 3/31/08 <a href="#">judgment</a> ) (Also see 3/2/10 2nd Department <a href="#">decision</a> ) |
| 20 | Pine Barrens Credit allocation to parcel in Southampton                                            | Edwin Tuccio, Patricia Tuccio                          | Commission, Clearinghouse | Supreme Court, Suffolk County 07-21497 | 7/19/07 | 1/16/08 ( <a href="#">decision</a> ) (Also see 11/4/09 2nd Department <a href="#">decision</a> )                                     |
| 21 | Pine Barrens Credit allocations to parcels in Manorville (Brookhaven)                              | Ringhoff Family LLC #1                                 | Commission                | Supreme Court, Suffolk County 08-26991 | 7/17/08 | 4/8/09 ( <a href="#">decision</a> )                                                                                                  |
| 22 | Commission jurisdiction re development proposal                                                    | Robert Liere, John Liere, and Lorraine Liere           | Commission                | Supreme Court, Suffolk County 09-5910  | 3/12/09 | 10/13/10 ( <a href="#">decision</a> )                                                                                                |
| 23 | Article 78                                                                                         | County of Suffolk                                      | Commission                | Supreme Court,                         | 6/16/10 | 4/28/11                                                                                                                              |

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|    |                                                                          |                                                   |                                                                              | Suffolk County<br>21807/2010                                       |          | ( <a href="#">decision</a> )                                                                                        |
| 24 | American Physical<br>Society hardship permit,<br>Ridge, Brookhaven       | LI Pine Barrens Society,<br>Richard Amper         | Commission                                                                   | Supreme<br>Court,<br>Suffolk<br>County<br>29130/2010               | 7/21/10  | 9/26/11<br>( <a href="#">decision</a> )                                                                             |
| 25 | Article 78                                                               | Edwin Fishel Tuccio, Patricia<br>Tuccio           | Commission                                                                   | Supreme Court,<br>Suffolk County<br>28576/2010                     | 9/20/10  | 1/12/12<br>( <a href="#">decision</a> )<br><br>(Also see<br>1/15/14 2nd<br>Department<br><a href="#">decision</a> ) |
| 26 | Failure to process plaintiff's<br>as of right subdivision<br>application | Brush Development LLC                             | Town of Brookhaven,<br>Commission                                            | US District<br>Court for<br>Eastern District<br>of NY<br>CV-113297 | 7/8/11   | pending                                                                                                             |
| 27 | JCJC Holding Company<br>hardship permit,<br>Hampton Bays,<br>Southampton | LI Pine Barrens Society,<br>Richard Amper         | Commission                                                                   | Supreme<br>Court,<br>Suffolk<br>County<br>22619/2011               | 2/16/12  | 3/22/12<br>( <a href="#">decision</a> )<br><br>(Also see<br>1/29/14 2nd<br>Department<br><a href="#">decision</a> ) |
| 28 | Article 78                                                               | Wainscott Properties Inc.                         | New York State<br>Department of<br>Environmental<br>Conservation, Commission | Supreme Court,<br>Suffolk County<br>12-27600                       | 9/6/12   | 11/13/13<br>( <a href="#">decision</a> )                                                                            |
| 29 | Westhampton Property<br>Associates hardship permit,                      | LI Pine Barrens Society,<br>Richard Amper, Robert | Commission                                                                   | Supreme Court,<br>Suffolk County                                   | 12/31/12 | 2/27/14<br>( <a href="#">decision</a> )                                                                             |

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|    | Speonk, Southampton         | McGrath, Thomas Casey as members of the Board of Directors |                                                                                        | 12-34735                               |          | (Also see 4/20/16 2nd Department <a href="#">decision</a> ) |
| 30 | Pine Barrens Credit Program | Pluralis, LLC                                              | Commission, Town of Brookhaven                                                         | Supreme Court, Suffolk County 13-15979 | 6/19/13  | 11/4/14 ( <a href="#">decision</a> )                        |
| 31 | Article 78                  | Equine Facility, LLC, Carolyn Jolly, and James P. Eagan    | Commission, New York State Department of Environmental Conservation, State of New York | Supreme Court, Suffolk County 16-01258 | 2/4/16   | 9/29/16 ( <a href="#">decision</a> )                        |
| 32 | Article 78                  | Henry R. Dittmer                                           | Commission                                                                             | Supreme Court, Suffolk County 16-02657 | 3/11/16  | pending                                                     |
| 33 | Article 78                  | Armand Gustave, LLC c/o Peter Baron                        | Commission                                                                             | Supreme Court, Suffolk County 16-6671  | 7/11/16  | 11/7/16 ( <a href="#">decision</a> )                        |
| 34 | Article 78                  | Antro Realty Corp.                                         | Commission                                                                             | Supreme Court, Suffolk County 16-09916 | 10/17/16 | pending                                                     |