



**CENTRAL
PINE
BARRENS**

**JOINT
PLANNING
&
POLICY
COMMISSION**

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**Commission Meeting of June 18, 2008
Brookhaven Town Offices, Farmingville**

Present: Mr. Scully (for New York State), Ms. Meek Gallagher (for Suffolk County),
Mr. Turner (for Brookhaven), Mr. Shea (for Southampton),
Mr. McCormick (for Riverhead)

**Resolution on Ringhoff Family LLC Credit Appeal
West of CR 51 and North of CR 111, Manorville**
SCTM#s: 200-512-1-15, 200-512-1-17, 200-512-1-18,
200-512-1-21, and 200-562-4-21

Whereas, Ringhoff Family LLC ("Ringhoff") owns five parcels of land in the Core Preservation Area of the Town of Brookhaven containing in total 151.258 acres of area for which Ringhoff by its attorney Twomey, Latham, Shea, Kelley, Dubin, & Quartararo submitted Letters of Interpretation applications. All of the parcels are in the Town's A Residence 5 zoning district.

Whereas, the Suffolk County Tax Map numbers of the Ringhoff parcels are 200-512-1-15 ("Lot 15"), 200-512-1-17 ("Lot 17"), 200-512-1-18 ("Lot 18"), 200-512-1-21 ("Lot 21"), and 200-562-4-21 ("Lot 4-21").

Whereas, the Clearinghouse issued Letters of Interpretation to the parcels allocating in total 24.22 Pine Barrens Credits on September 4, 2007 (these LOIs replaced LOIs issued in 2005 which had expired pursuant to Section 6.7.6.1 of the Central Pine Barrens Comprehensive Land Use Plan (the "CLUP")).

Whereas, by letter dated August 23, 2007, Ringhoff appealed the PBC allocations seeking an additional allocation of 127.04 PBCs for a total of 151.26 PBCs or one PBC per acre of property owned by Ringhoff. The Commission held a public hearing on the Ringhoff appeal on October 17, 2007. At the hearing, Ringhoff's attorneys, by Lauren Stiles, Esq. made a presentation to the Commission and submitted one packet of material containing numerous exhibits to the Commission for its consideration. The Commission Staff also submitted one Exhibit to the Commission during the hearing. Ringhoff's attorneys supplemented their hearing record and addressed issues raised during the hearing by letters dated December 14, 2007, February 26, March 18, and May 19, 2008.

Whereas, Lot 15 is triangular in shape, contains 5.116 acres and was allocated 0.82 PBCs. The parcel is located on the west side of Toppings Path. Lot 21 is triangular in shape, contains 4.245 acres, and was allocated 0.68 PBCs. The parcel is located on the west side of Toppings Path. Lot 4-21 is also triangular in shape, contains 1.337 acres is located approximately 250 feet from County Road 111, and was allocated 0.22 PBCs. The parcel is located on the west side of Toppings Path.

None of these parcels are cleared and all contain native vegetation.

Whereas, Lot 18 is rectangular in shape, contains 139.73 acres and was allocated 22.36 PBCs. The parcel fronts on CR 111 on the south. The parcel was created by Ringhoff through the abandonment of numerous old filed map parcels prior to 1960. This parcel is nearly all cleared and the cleared areas are actively farmed by Ringhoff. Lot 17 is rectangular in shape, contains 0.83 acres and was allocated 0.14 PBCs. The parcel is wholly surrounded by SCTM 200-512-1-18 and is completely cleared and actively farmed.

Whereas, in its December 2007 letter, Ringhoff offered the Commission an alternative appeal request for the parcels. For two parcels, Lots 17 and 18 containing 140.56 acres, Ringhoff sought in the alternative 70.28 PBCs or 0.50 PBCs per acre. Ringhoff also sought in the alternative 1.0 PBCs for each of the other three parcels.

Whereas, Ringhoff has argued that Lots 15, 21 and 4-21 (the “Triangular Lots”) are each in single and separate ownership, each could be developed with a single family residence, and are each located on an existing improved road.

Whereas, Ringhoff argued that all of its parcels could be subdivided and developed achieving an economy of scale given their collective size, and that the cost of developing the parcels would be reduced because the parcels are already cleared, utilities exist along County Road 51, and there is available drainage capacity in the area of the parcels. Ringhoff also notes that development could have been clustered on the site. Ringhoff has conceded that the Lots 17 and 18 would be developed pursuant to the A Residence 5 zoning classification allowing approximately 22 units to be built at the site.

Whereas, Ringhoff further argued that the Commission is obligated to increase the PBC allocation to Ringhoff based on prior Commission decisions, including LOI appeals decision for Gazza made on April 4, 2001 and in the matters of Alberto/Sipala, Expressway 60 Patent, and Barkus et al.

Whereas, according to Ringhoff’s attorney, Toppings Path is either not being “maintained any longer” or “not necessarily being maintained at the present time” (Hearing Transcript at Page 11 Lines 7-8 and 15-16).

Whereas, William J. Ringhoff stated during the Hearing that that Toppings Path is “not impassable, but you need a four-wheel drive in places,” (Page 26, Lines 21-22).

Whereas, Ringhoff stated in its December 2007 correspondence that Toppings Path is “not improved to the extent of most modern roads” and that Hot Water Street is “not the most improved road in Suffolk County.”

Whereas, the Town of Brookhaven conveyed its interests in Toppings Path and Hot Water Street to the County of Suffolk by deed dated October 19, 2004 and recorded on March 24, 2005.

Whereas, the County of Suffolk by resolution dated December 21, 2004 accepted the conveyance of Toppings Path and Hot Water Street and transferred jurisdiction of the same to its Department of Parks, Recreation and Conservation.

Whereas, the Commission on October 2, 1996 denied a LOI appeal of George Nicholson for two parcels with the Suffolk County Tax Map numbers 200-562-4-12 and 13 (the "Nicholson Appeal"). One of the Nicholson parcels is located on Toppings Path between County Road 111 and Ringhoff's Lot 4-21. The Commission denied the Nicholson appeal finding that no unique or additional features of the parcels were identified.

Whereas, the Commission on March 8, 2000 denied a LOI appeal of Robert Weinstein for a 28.3 acre parcel located on County Road 111, and the Commission on March 29, 2000 denied a LOI appeal of John Andersen for two parcels of land one of which fronted on County Road 111 by distinguishing the Andersen appeal from the LOI decisions in Expressway 60 Patent and Barkus et al.

Whereas, the Commission has considered the arguments and materials submitted by Ringhoff and the prior appeal decisions of the Clearinghouse and the Commission.

Now therefore be it,

Resolved, the Commission finds that Toppings Path adjacent to Lots 21 and 4-21 is not an existing improved road.

Resolved, the Commission finds that Hot Water Street adjacent to Lot 15 is not an existing improved road.

Resolved, the Commission finds that in no fewer than three Pine Barrens Credit appeals decided since the April 4, 2001 Gazza decision, the Commission rejected LOI appeals for parcels which are not on existing improved roads (McDonnell, February 6, 2002, Joseph Zachary Gazza, December 11, 2002 and Joseph Gazza, April 19, 2006) and in so doing disavowed its April 4, 2001 decision.

Resolved, the denial of the LOI appeal for the Triangular Lots is consistent with the Nicholson Denial and the Andersen Denial.

Resolved, that the Commission finds that because none of the Triangular Lots front on an existing improved road but rather are approximately 250 feet from an existing improved road, the Triangular Lots differ from the parcels at issue in the Commission's LOI appeal decisions of Alberto/Sipala, Expressway 60 Patent, or Barkus, et al. and are similar to the parcels involved in the

Andersen appeal.

Resolved, the Commission finds that Lot 17 is not similar to the parcels involved in the Alberto/Sipala, Expressway 60 Patent, or Barkus et al. appeals because Lot 17 was created by the merger of numerous old filed map lots and is subject to the Town's A Residence 5 zoning requirements.

Resolved, the Commission denies the appeals for Lots 17 and 18 based on the Commission's determination that the continuing agricultural use of the parcels provides Ringhoff a reasonable use of the parcel, the Long Island Pine Barrens Protection Act of 1993 has not prevented the continued reasonable use of the parcels.

Resolved the Commission denies the appeals of Lots 17 and 18 based on the prior LOI appeal decisions of the Clearinghouse and the Commission including Ciardullo and Heinlein, Heatherwood Communities, LLC, Walton-Hampton Bays Associates, Weinstein and Tuccio.

Resolved, the Commission denies the appeals for Lots 17 and 18 given that Ringhoff could apply for and receive 22.50 PBCs for the parcels and continue to farm the parcels under the Pine Barrens Credit Program.

Resolved for all of the foregoing reasons the Ringhoff appeal is denied in its entirety.

Motion by: Mr. Turner
Second by: Mr. Scully

Vote
Yes: 5
No: 0

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Central Pine Barrens Joint Planning and Policy Commission	2. PROJECT NAME Ringhoff Family LLC #1 Pine Barrens Credit Allocation Appeal
3. PROJECT LOCATION: Municipality Brookhaven County Suffolk	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) North/East of County Route 111	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Ringhoff Family LLC #1 applied for and received Letters of Interpretation allocating 24.22 Pine Barrens Credits to 5 parcels of land containing in total 151.258 acres of area. Ringhoff sought additional Pine Barrens Credits. The Commission has considered the appeal and has determined to deny the appeal in its entirety.	
7. AMOUNT OF LAND AFFECTED: Initially 151.258 acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Two parcels containing approximately 141 acres of the Ringhoff property are actively farmed. The other three parcels are in native vegetation.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: The proposed action is the denial of the appeal.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: June 18, 2008 Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No - The proposed action is the denial of a Pine Barrens Credit appeal. The action will not alter the current use of the property. C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No - The proposed action is the denial of a Pine Barrens Credit appeal. The action will not alter the current use of the property. C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No - The proposed action is the denial of a Pine Barrens Credit appeal. The action will not alter the current use of the property. C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: The allocation is consistent with that analyzed by the Commission's SEQRA review of the Comprehensive Land Use Plan. C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: If the Applicant applies for and receives the allocated PBCs, the impacts of their transfer were analyzed in the Commission's SEQRA review of the CLUP. C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No. C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: None.	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
Central Pine Barrens Joint Planning and Policy Commission	June 18, 2008
_____ Name of Lead Agency	_____ Date
Raymond P. Corwin	Executive Director
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)

Reset

Commission Meeting of August 19, 2009

Quogue Wildlife Refuge, Quogue

Present: Mr. Scully (for New York State), Ms. Meek Gallagher (for Suffolk County),

Ms. Prusinowski (for Brookhaven), Mr. Shea (for Southampton),
Mr. McCormick (for Riverhead)

**Resolution on Ringhoff Family LLC SCTM#: 200-512-1-15
Southwest Corner of Hot Water Street and Toppings Path
Manorville, NY**

Whereas, Ringhoff Family LLC ("Ringhoff") owns five parcels of land in the Core Preservation Area of the Town of Brookhaven containing in total 151.258 acres of area for which Ringhoff by its attorney Twomey, Latham, Shea, Kelley, Dubin, & Quartararo submitted Letter of Interpretation applications. All of the parcels are in the Town's A Residence 5 zoning district.

Whereas, the Suffolk County Tax Map numbers of the Ringhoff parcels are 200-512-1-15 ("Lot 15"), 200-512-1-17 ("Lot 17"), 200-512-1-18 ("Lot 18"), 200-512-1-21 ("Lot 21"), and 200-562-4-21 ("Lot 4-21").

Whereas, the Clearinghouse issued Letters of Interpretation to the parcels allocating in total 24.22 Pine Barrens Credits on September 4, 2007 (these LOIs replaced LOIs issued in 2005 which had expired pursuant to Section 6.7.6.1 of the Central Pine Barrens Comprehensive Land Use Plan (the "CLUP")).

Whereas, Ringhoff appealed the PBC allocations contained in the five Letters of Interpretation to the Commission in August 2007 seeking an allocation of additional Pine Barrens Credits to the parcels.

Whereas, the Commission adopted a resolution at its meeting of June 18, 2008 denying the appeal in its entirety.

Whereas, Ringhoff instituted an Article 78 proceeding challenging the Commission's decision.

Whereas, Justice William B. Rebolini sustained the Commission's decision with respect to Lots 17, 18, 21, and 4-21.

Whereas, Justice Rebolini directed the Commission to determine whether Toppings Path is an improved road in the area adjacent to Lot 15 and if so, whether Ringhoff is entitled to receive additional Pine Barrens Credits for Lot 15.

Whereas, the Commission scheduled a hearing for July 15, 2009 to make the determination as directed by the Court, publicly noticed the hearing and provided notice of the same to Lauren Stiles, Esq., of Twomey, Latham, Shea, Kelley, Dubin



Peter A. Scully
Chair

Philip J. Cardinale
Member

Linda A. Kabot
Member

Mark Lesko
Member

Steve A. Levy
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& Quartararo, LLP., Ringhoff's attorney, by email and telephone.

Whereas, neither Ringhoff nor its representative appeared at the Hearing.

Whereas, on July 6, 2009, two members of the Commission staff performed a field inspection of Lot 15 and Toppings Path and Hot Water Street adjacent to Lot 15 and the other Ringhoff parcels.

Whereas, during the Hearing, the Commission staff introduced three exhibits into the Hearing Record and presented its findings of fact concerning the condition of Toppings Path in the area adjacent to Lot 15 based on among other things, the field inspection.

Whereas, during the hearing, a Commission Staff member testified that she traveled on foot along Hot Water Street to its intersection with Toppings Path in front of Lot 15 because Hot Water Street was impassable by vehicle.

Whereas, the Commission staff introduced as an Exhibit a photograph taken during the field inspection of the intersection of Hot Water Street and Toppings Path in the area adjacent to Lot 15 which indicates that both Toppings Path and Hot Water Street are dirt paths at the intersection.

Whereas, the Commission staff member stated that Toppings Path in the vicinity of Lot 15 is a "dirt road."

Whereas, Commission staff introduced additional photographs as an Exhibit that showed Toppings Path to be a stony, dirt road from the intersection of Hot Water Street and Toppings Path and the length of Toppings Path, traveling south from Hot Water Street to CR 111,

Whereas, the Commission staff member stated in her opinion based on her experience with the Commission that Toppings Path is not an existing improved road but rather a "dirt road" in the area of Lot 15.

Whereas, during the Hearing it was noted that Toppings Path is owned by the County of Suffolk under the jurisdiction of the County Department of Parks, Recreation and Conservation and is not maintained.

Whereas, a Hearing transcript was made and provided to the Commission members and their designated representatives,

Whereas, the subject action is an unlisted action pursuant to the NYS Environmental Quality Review Act.

Whereas, the Commission prepared a short Environmental Assessment Form for unlisted actions and performed an uncoordinated SEQRA review, pursuant to NYCRR Part 617, now therefore be it

Resolved, that the Commission finds that Ringhoff via his legal counsel was provided notice

of the public hearing addressing the issue of whether Toppings Path is an improved road in the area adjacent to Lot 15; and be it further

Resolved, that neither Ringhoff nor its representative appeared at the Hearing, and be it further,

Resolved, that the Commission finds that Toppings Path in the area adjacent to Lot 15 is owned by Suffolk County and is not maintained, and be it further,

Resolved, that the Commission finds that Toppings Path in the area adjacent to Lot 15 is a dirt road which is “stony” in nature, and be it further,

Resolved, that the Commission finds that Toppings Path is not an existing improved road in the area adjacent to Lot 15, and be it further,

Resolved, that the Commission finds that Lot 15 is not entitled to receive additional Pine Barrens Credits because Toppings Path in the area adjacent to Lot 15 is a dirt path that is stony in nature, is owned by the County, is not maintained by the County, and is not an existing improved road, and be it further,

Resolved, the Commission finds that its determinations with respect to Toppings Path and the Parcel will not result in any significant adverse environmental impact because it will not change the existing condition in any manner and therefore this resolution shall serve as a negative declaration of significance for the proposed action pursuant to SEQRA.

Motion on Resolution to Deny and SEQRA determination

By: Mr. Scully

Second: Ms. Gallagher

Vote

Yes: 4

No: 0

Abstain: 1 (Mr. McCormick)

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Central Pine Barrens Joint Planning and Policy Commission	2. PROJECT NAME Ringhoff Family LLC #1 SCTM #200-512-1-15 (the Parcel)
3. PROJECT LOCATION: Municipality <u>Brookhaven</u> County <u>Suffolk</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>North/East of County Route 111</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Ringhoff challenged the allocation of Pine Barrens Credits (PBCs) to the Parcel and others. Supreme Court, Suffolk County upheld the allocation for the other parcels. Commission directed to determine if Toppings Path is an improved road in the area adjacent to the Parcel and if so is Parcel entitled to additional PBCs. Commission determined not improved and did not increase PBC allocation.	
7. AMOUNT OF LAND AFFECTED: Initially <u>5.11</u> acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Parcel is vacant and wooded.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: The proposed action is the denial of the appeal.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: <u>August 19, 2009</u> Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No - The proposed action is determination that Toppings Path is not an improved road in the area adjacent to the Parcel and the Parcel is not entitled to additional PBCs. C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No - The proposed action is determination that Toppings Path is not an improved road in the area adjacent to the Parcel and the Parcel is not entitled to additional PBCs. C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No - The proposed action is determination that Toppings Path is not an improved road in the area adjacent to the Parcel and the Parcel is not entitled to additional PBCs. C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: The allocation is consistent with that analyzed by the Commission's SEQRA review of the Comprehensive Land Use Plan. C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: If Ringhoff applies for and receives the allocated PBCs, the impacts of the potential PBC transfer were analyzed in the Commission's SEQRA review of the CLUP. C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No. C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: None.	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly:	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
Central Pine Barrens Joint Planning and Policy Commission _____ Name of Lead Agency	August 19, 2009 _____ Date
Raymond P. Corwin _____ Print or Type Name of Responsible Officer in Lead Agency	Executive Director _____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)

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