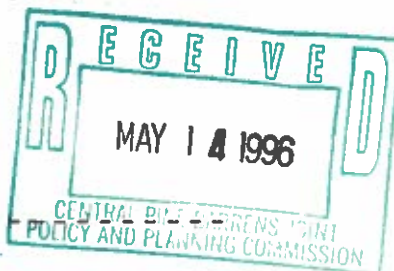


PINE BARRENS
CREDIT CLEARINGHOUSE



In the Matter of the
Public Hearing on the Appeals of
BERNARD MEYER
and
EXPRESSWAY 60 PATENT.

3525 Sunrise Highway
Great River, New York 11739

April 23, 1996
5:55 p.m.

PUBLIC HEARING

* * * *

1 2 3 4 5 6 7 8 9 10 11 12

100 100

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

BOARD OF ADVISORS

JAMES TRIPP - Chairman

JACK HANLEY - Member

ROBERT DUFFY - Member

MITCHELL PALLY - Member

JOHN MILAZZO - Attorney

DORIS ROTH- General Counsel

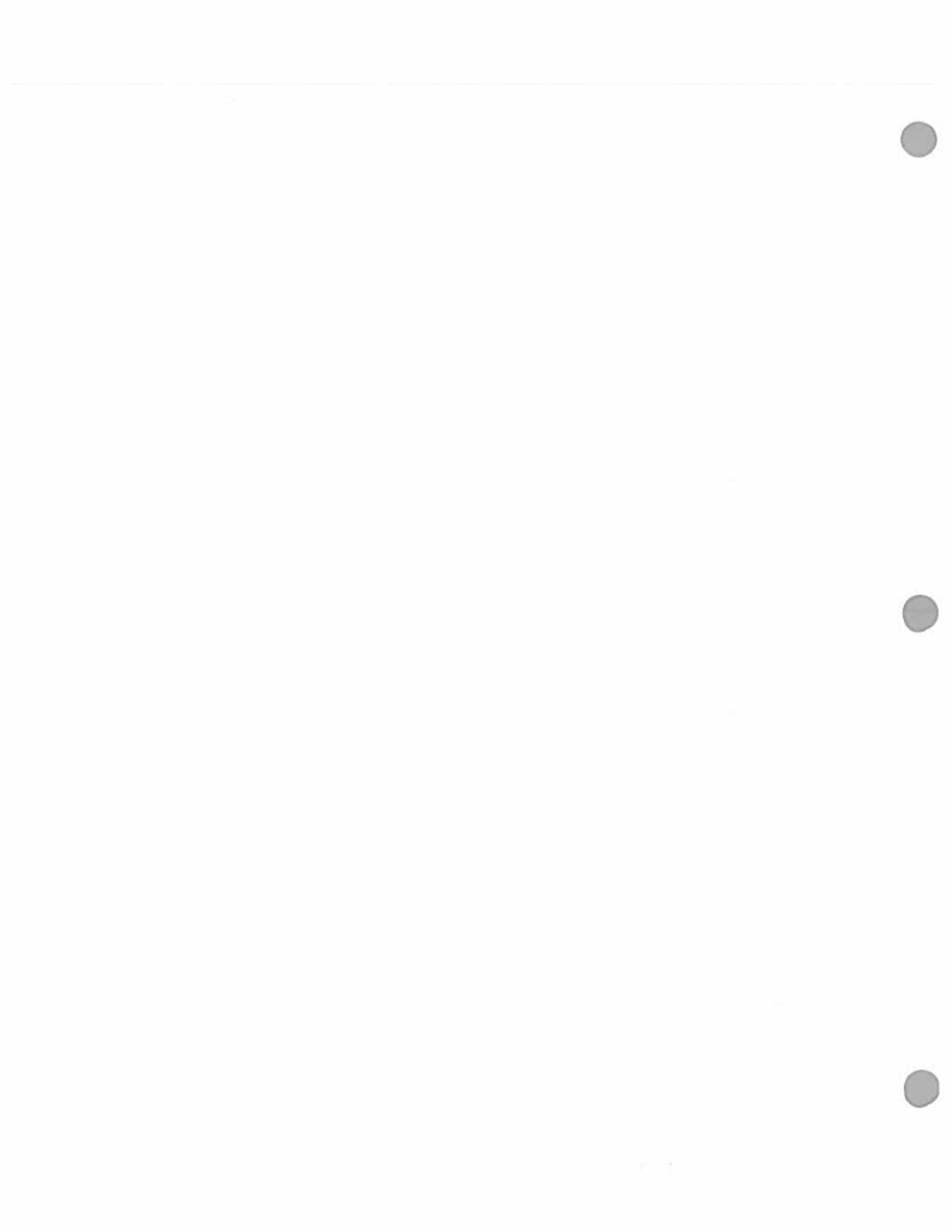
RAY CORWIN

WILLIAM SPITZ- DEC

ALSO PRESENT:

LORRAINE TREZZA

DONNA PLUNKETT



MR. TRIPP: This is the matter of Expressway 60 Patent and Bernard Meyer appeal. I would move that we reopen this matter for the limited purpose of inquiring about certain facts relating to the application of the Peconic River Wild and Scenic designation to the potential use of this property.

Is there a second to that motion?

MR. DUFFY: Second.

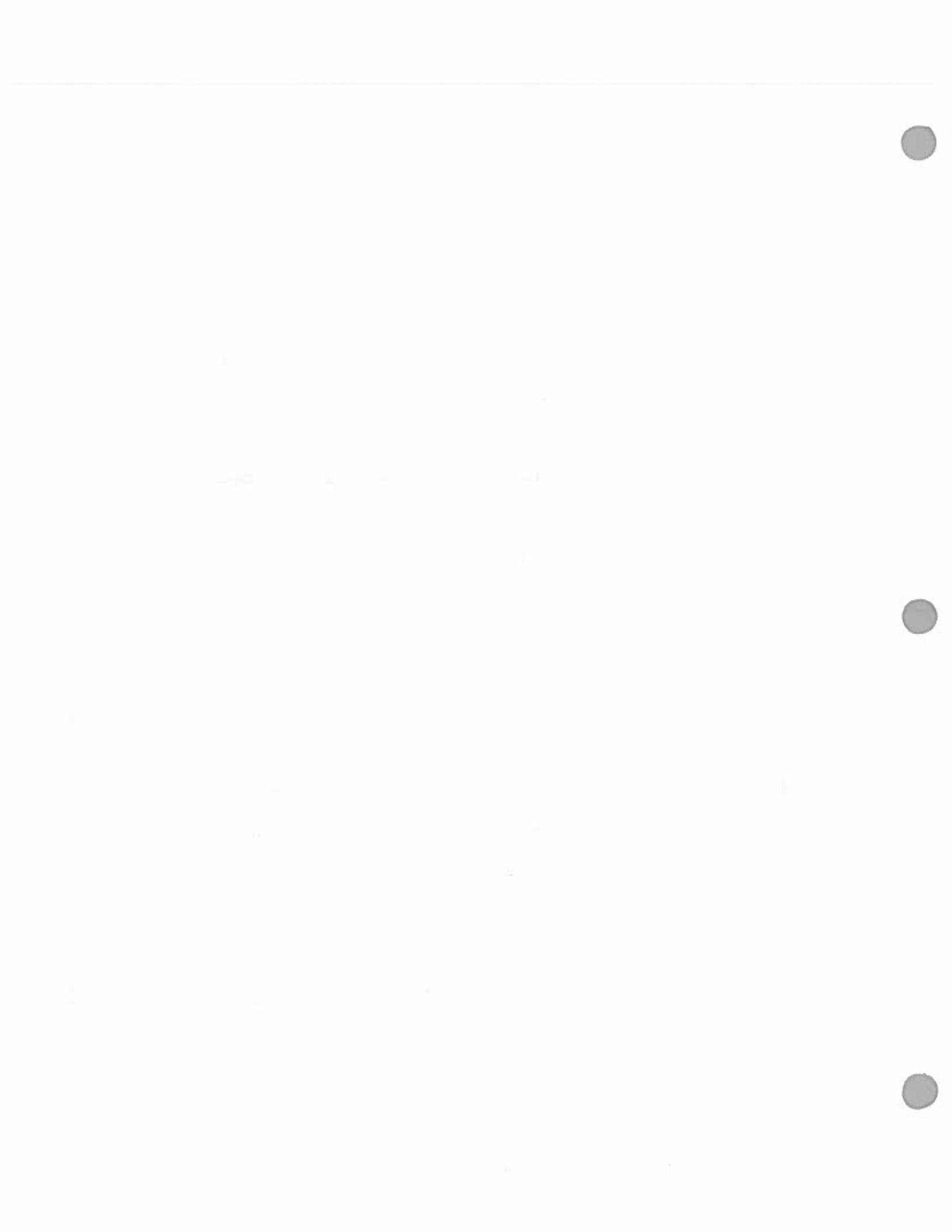
MR. TRIPP: All in favor?

MR. HANLEY: Aye.

MR. GRECCO: Aye.

MR. TRIPP: Any opposed.

Now, we are doing this, Mr. Sanderman, I think you were told about this because it was brought to our attention that the parcels that are the subject of your appeal, approximately 22 acres, may fall within the designated boundaries within the Wild and



Scenic Peconic River designation.

And, if that is the case, certain administrative procedures under that, under the State program might follow.

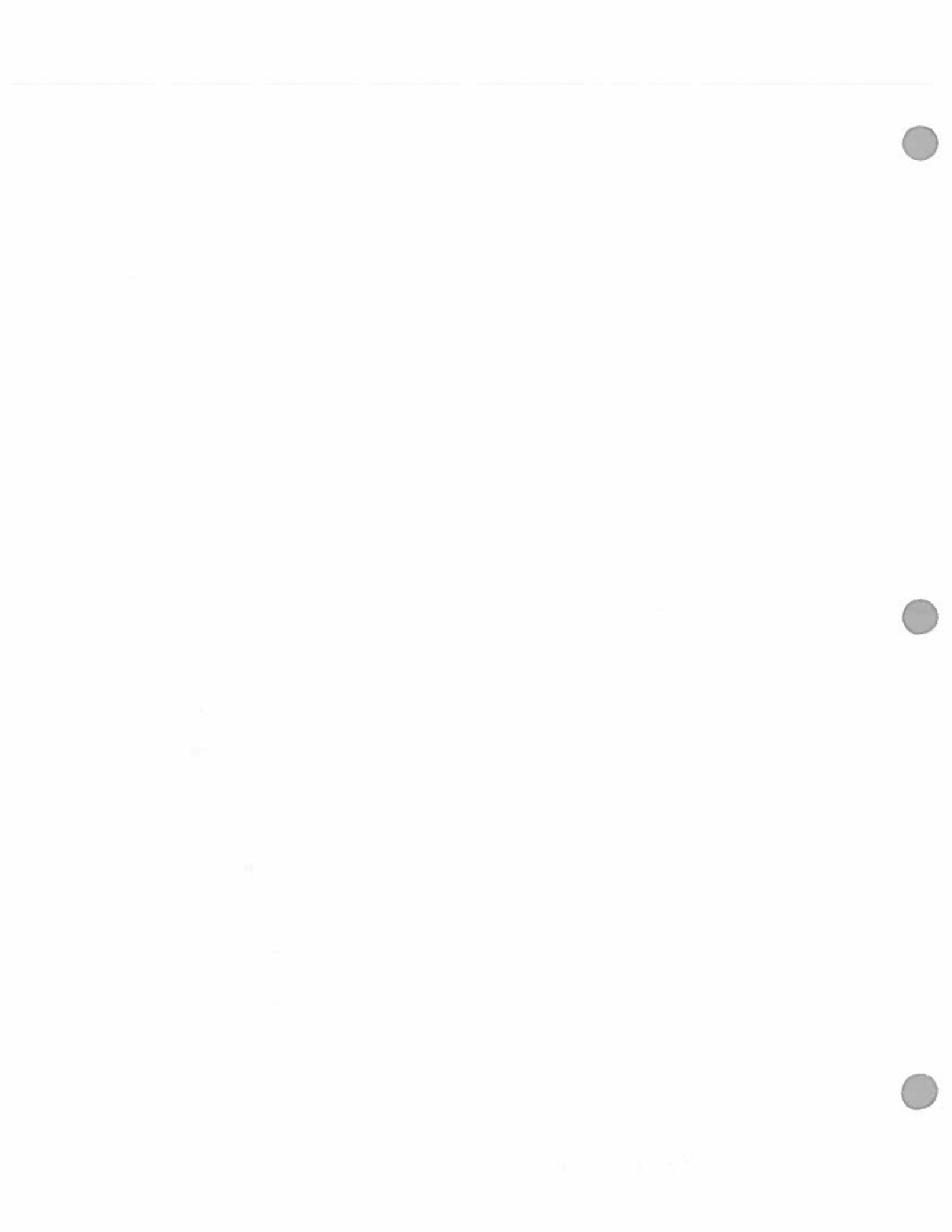
Now, may I ask Mr. Milazzo what is the evidence; do we have a map?

MR. SANDERMAN: I can just go on the record for the sake of going through it.

Phillip H. Sanderman and I am the attorney for the applicant.

After I received the phone call from Mr. Milazzo I met with an environmental planner. And we reviewed it, we determined that the parcel was in what is the scenic corridor of the Peconic River, scenic and wild river designation.

And following through on that, I would like to hand to the Board, I only have two extra copies, this is the handbook which



is published by the State and I have highlighted a section in yellow which is derived from the New York Code of Rules and Regulations, parts 6.669e.

The summary given in the handbook which is not the language in the statute states, "any lot lawfully existing at the time of rivers designation may be developed for land uses or developments allowed in a river area even though the lot may not satisfy the minimum requirements for lot area and shoreline frontage. All contiguous lots held in common ownership on the date upon regulation took affect in the river area are treated as a single lot."

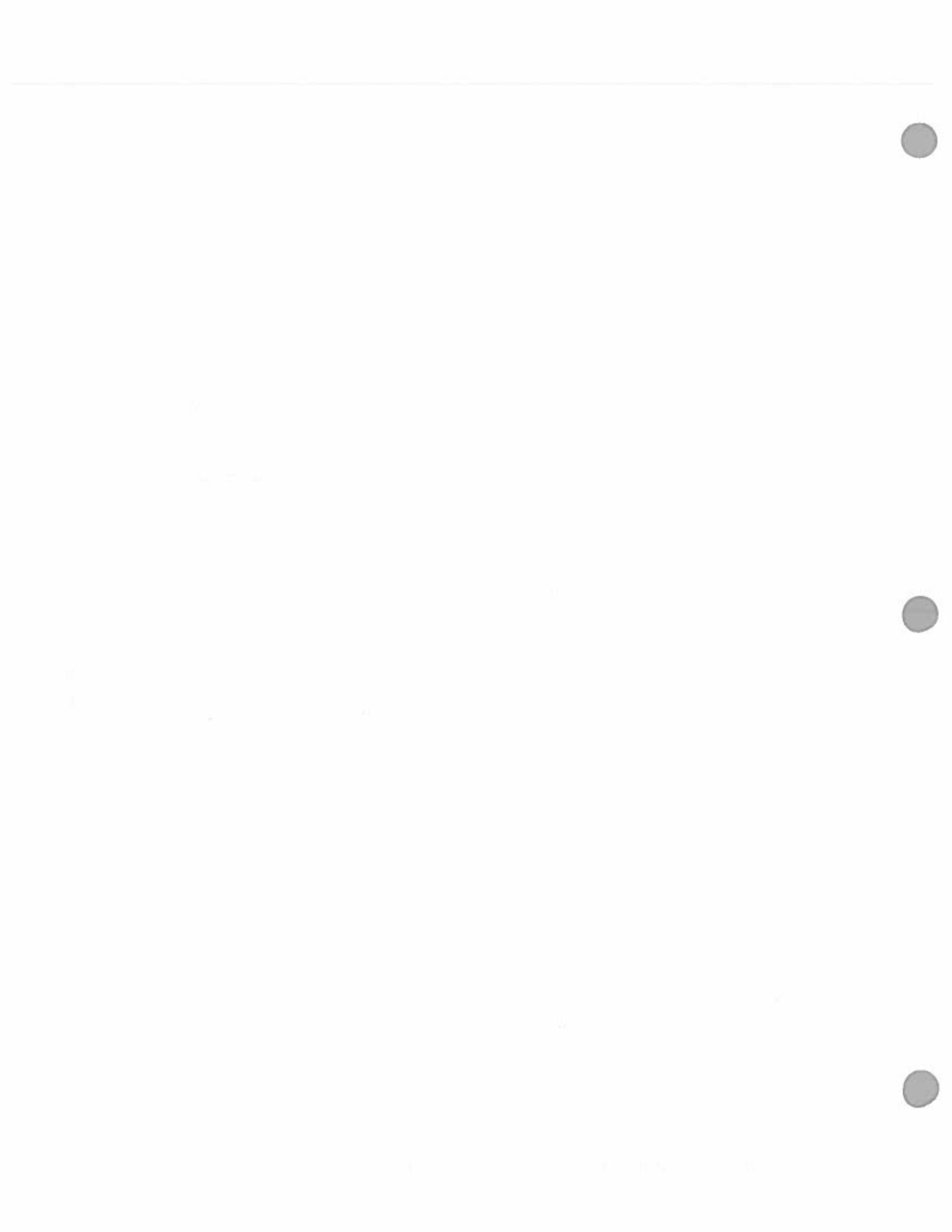
Then the regulation -- that's derived from, and I am citing NYCCR 666.9e, I hope I have the legislature, states, "any lawfully existing plot allowed in the river



1
2 area not withstanding that the lot
3 may not satisfy the minimum lot
4 area or show shoreline frontage
5 with specified in Section 25 of
6 this part. All contiguous parcels
7 held in actual or effective common
8 ownership on the date that this
9 part first takes affect in a given
10 river area shall be deemed a single
11 lot."

12 For the record, I have
13 submitted 44 single and separate
14 searches encompassing this parcel
15 which indicate that the lots were,
16 in fact, in single and separate
17 ownership prior to the effective
18 date of the WSRR regulations. They
19 do not define effective common
20 ownership.

21 And I would submit in absent
22 I could not find any significant
23 cases on that in the absence of a
24 definition, a regulation concerning
25 rights to use properties construed

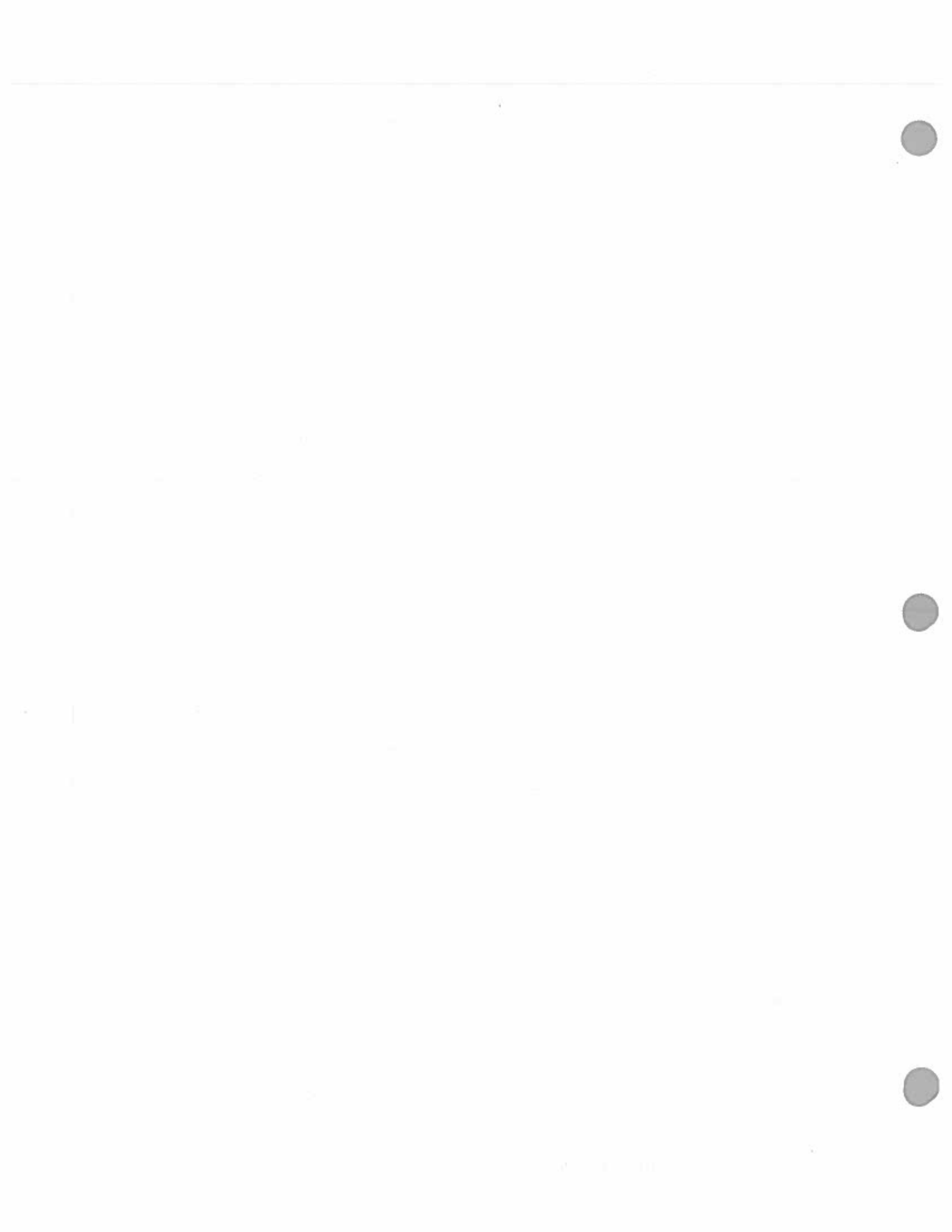


in favor of the property owner. I have litigated many issues involving definition of single and separate ownership.

We have testified in the past that the lots were either owned by Terence Meyer, individually, Bernard Meyer, individually, or by Expressway Patent 63 Associates, which is a partnership comprised of, I believe, three or four persons. So I don't believe this deals with it and it would be my opinion, what it's worth for the attorney for the applicant, that there is no effective common ownership on the lots and we would be exempt from the WSRR regulations.

After following the previous application, I want to be brief.

MR. TRIPP: Well, whether or not there is effective common ownership and whether or not these



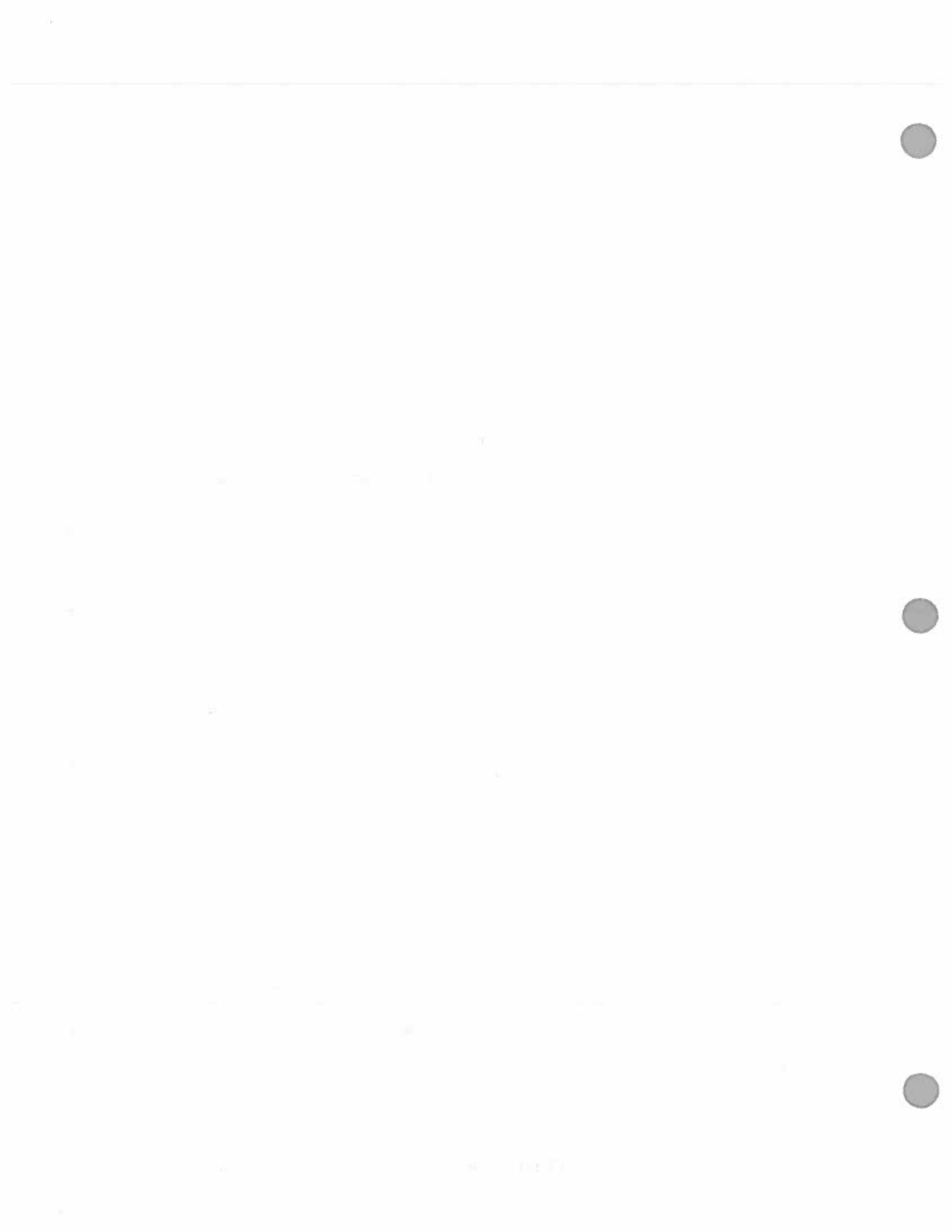
rules and regulations -- this is just to remind you whether or not this would restrict in any way the manner in which you or your clients can use this property, is something that DEC has to determine. DEC may agree with you and they may come to the same conclusion that you have.

But I am not -- I don't think it's up to this body to make that definitive decision for the State Department of Environmental Conservation.

MR. SPITZ: At this point, if the State Department of Environmental Conservation, the DEC would confirm.

I am Bill Spitz, New York State Department of Environmental Conservation representing Ray Cowen.

So, to present an application to this forum to that agency or to other agencies to represent what



they may have been, maybe something that you may also do to answer these kinds of questions.

The reason being, if you go to a Court now it's present day, Article 57 is in place. Towns have adopted no zoning ordinances to implement the Plan. The DEC and other agencies are constrained by Article 57 from doing something that is adverse to the plan.

So, I don't know that Mr. Sanderman's complaints could go to DEC for this issue.

What I would point out is this Act, the issue of single and separate ownership that would apply to this application, as well as some others, were on the book and simply understood by people that crafted Article 57 and the individuals who crafted the Plan pursuant to Article 57 and I don't know how important the issues are

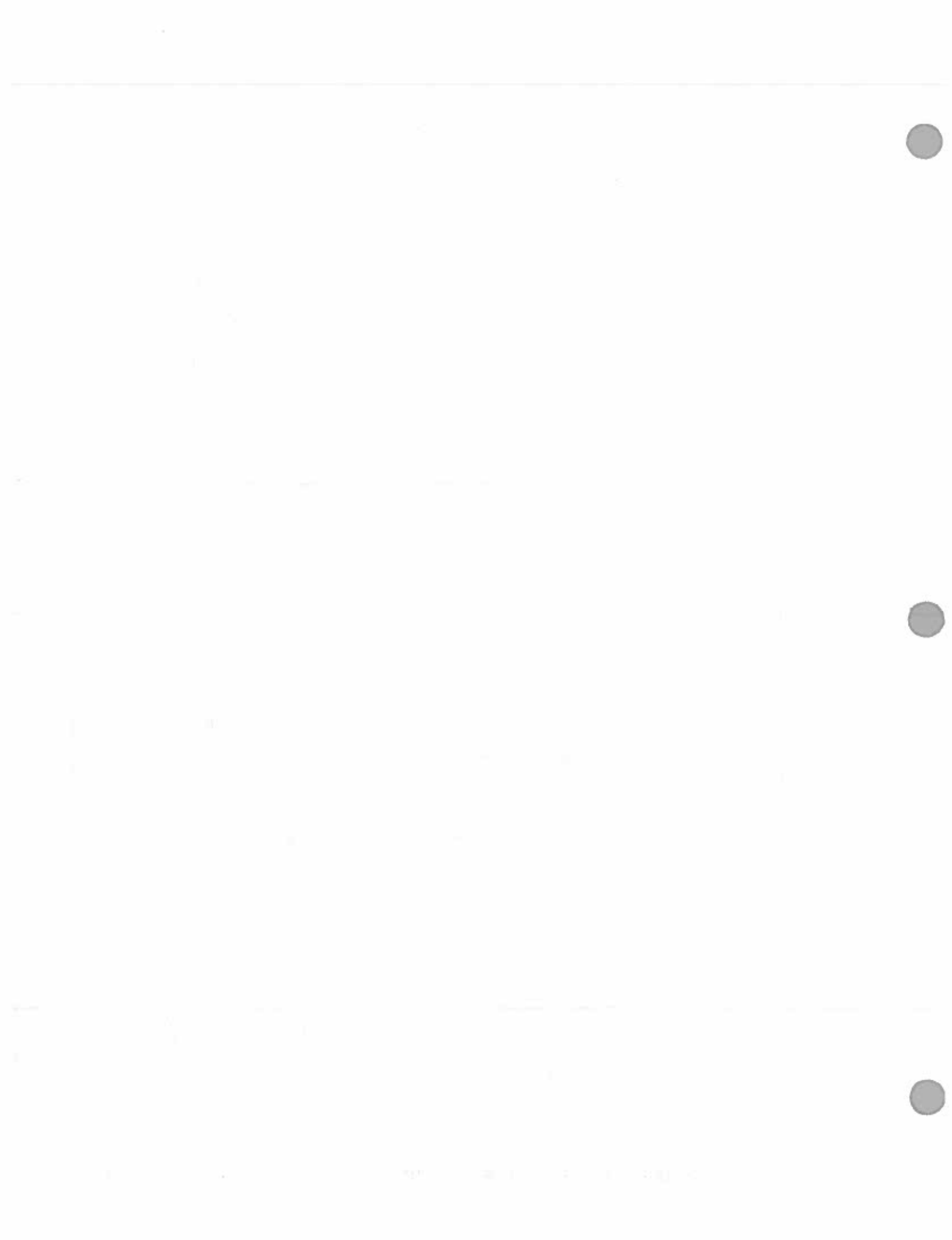


in terms of the appeals that you hear.

For instance, on this one there is a zoning of five acres that covers these properties. There is a single and separate issue if you will, but the County doesn't recognize it.

I submit to you that my reading of regulations Part 666 is that it is quite clear, these regulations, the Wild Scenic and Recreation River Act will not recognize it as single and separate either. This parcel is clearly under effective ownership, single ownership.

The Pine Barrens Plan actually affords more credits for this entire 44 parcel than would the State's Wild Scenic Recreational Rivers Act because we are awarding credit from this bank and then taking the back parcels

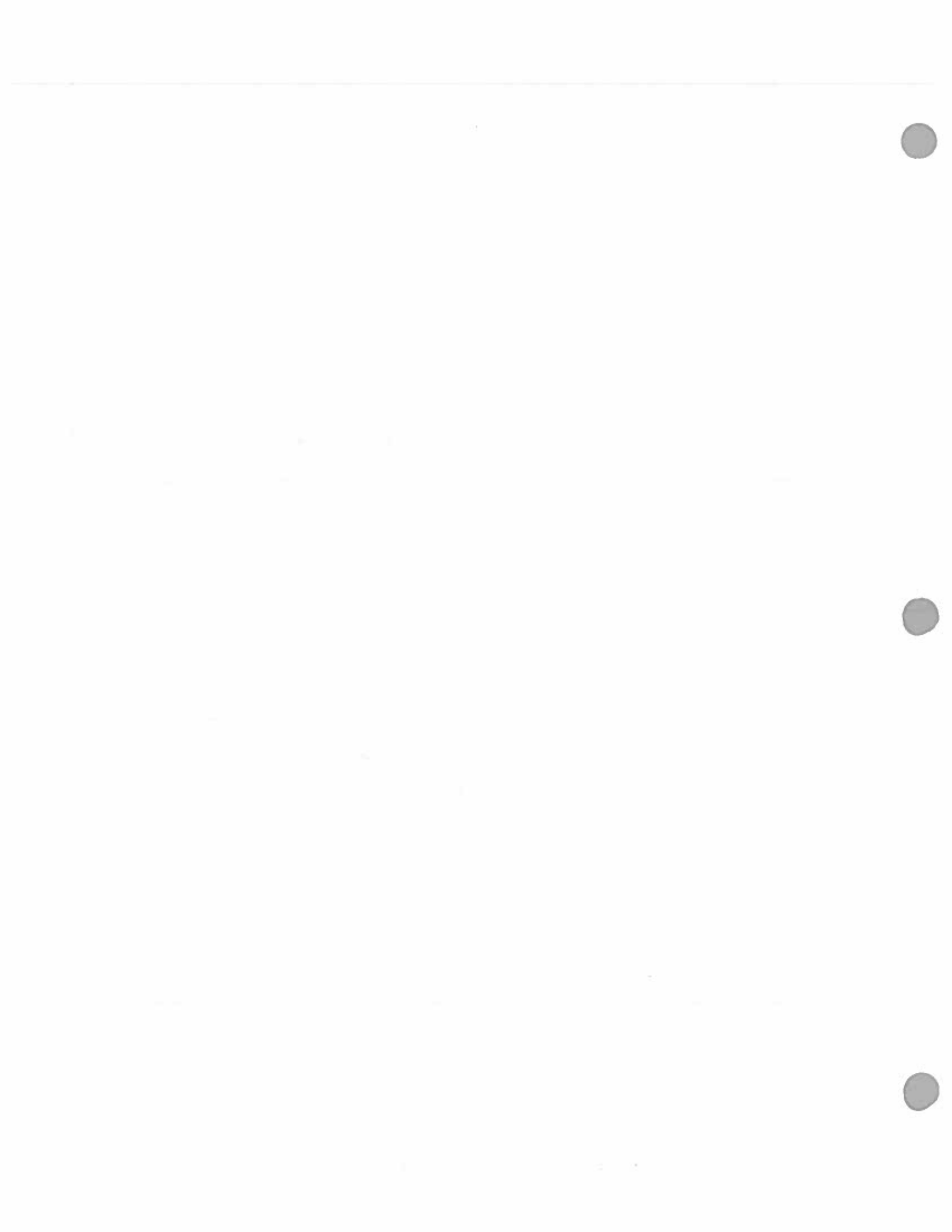


1
2 and applying these ratios.

3 So, I think my point is the
4 plan was crafted very well and very
5 fairly in terms of understanding
6 the implications of single and
7 separate, understanding the
8 implications of roadfront parcels
9 and understanding that there were
10 other acts on the books like the
11 Wild Recreation Rivers and Scenic
12 Act.

13 And, I don't know for each
14 application that we see on appeal
15 it's going to be productive to send
16 applicants back to various other
17 agencies to resolve questions for
18 your further consideration of the
19 answers. I think the answers have
20 to be right here. I think this is a
21 plan that was written very well.

22 MR. TRIPP: So long as the
23 Clearinghouse has this decision,
24 the authority to render a decision
25 here, we shall do it without going



back to DEC?

MR. SPITZ: That's right.

And if your counsel cares to visit this act and anything else that may apply to this application and then advise you where to go, but this will be efficient. But to send applicants back to all these levels of government would be inefficient.

MR. TRIPP: In your view, Mr. Spitz, based on what you know about this application, have you had experience working with these regulations, Part 666?

MR. SPITZ: Limited, but I did have a conversation with an individual who is in a program that implements these.

MR. TRIPP: Would you consider this to be under these parcels, these 44 parcels to be under effective common ownership?

MR. SPITZ: That's how I

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

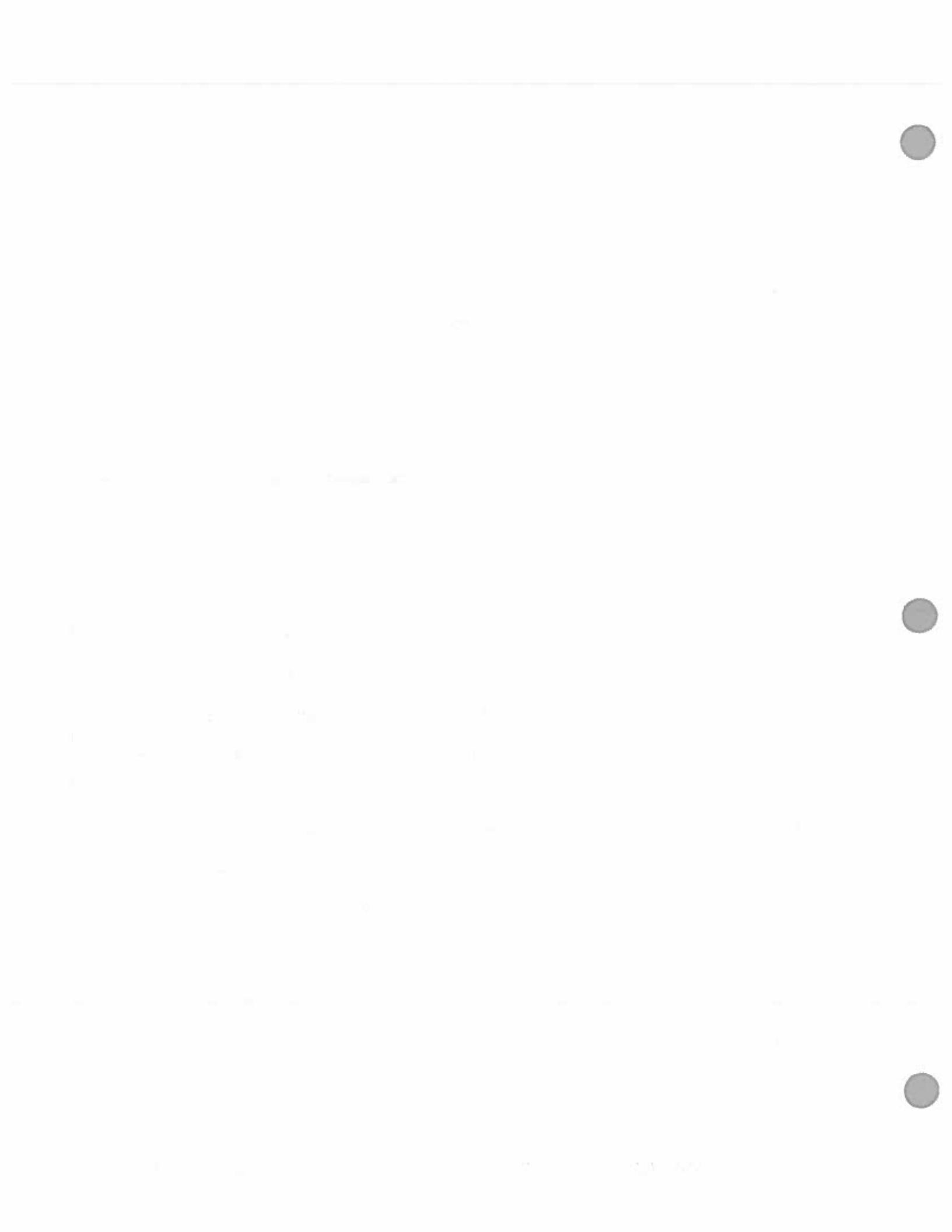
1
2 would read it.

3 MR. TRIPP: Why is that?

4 MR. SPITZ: Frankly, my
5 reading of it is if they meant
6 single and separate they would have
7 written single and separate. I say
8 it's a term of art. It would have
9 been written by the people who
10 chose these regulations.

11 To take large parcels
12 that are under a single control
13 and implement the Rivers Act
14 in accordance with what the
15 legislature had in mind when
16 they created that Act. The
17 checkerboarding is a strategy that
18 I believe the County's Article 6
19 language seeks to get around, and I
20 think this language was created for
21 that same purpose.

22 MR. TRIPP: In your view the
23 grandfathering language so to speak
24 that Mr. Sanderman read from is
25 intended to apply to a single lot,



somebody owns a single lot which is a small lot, that's the only thing they own and they come in and they get treated under this section.

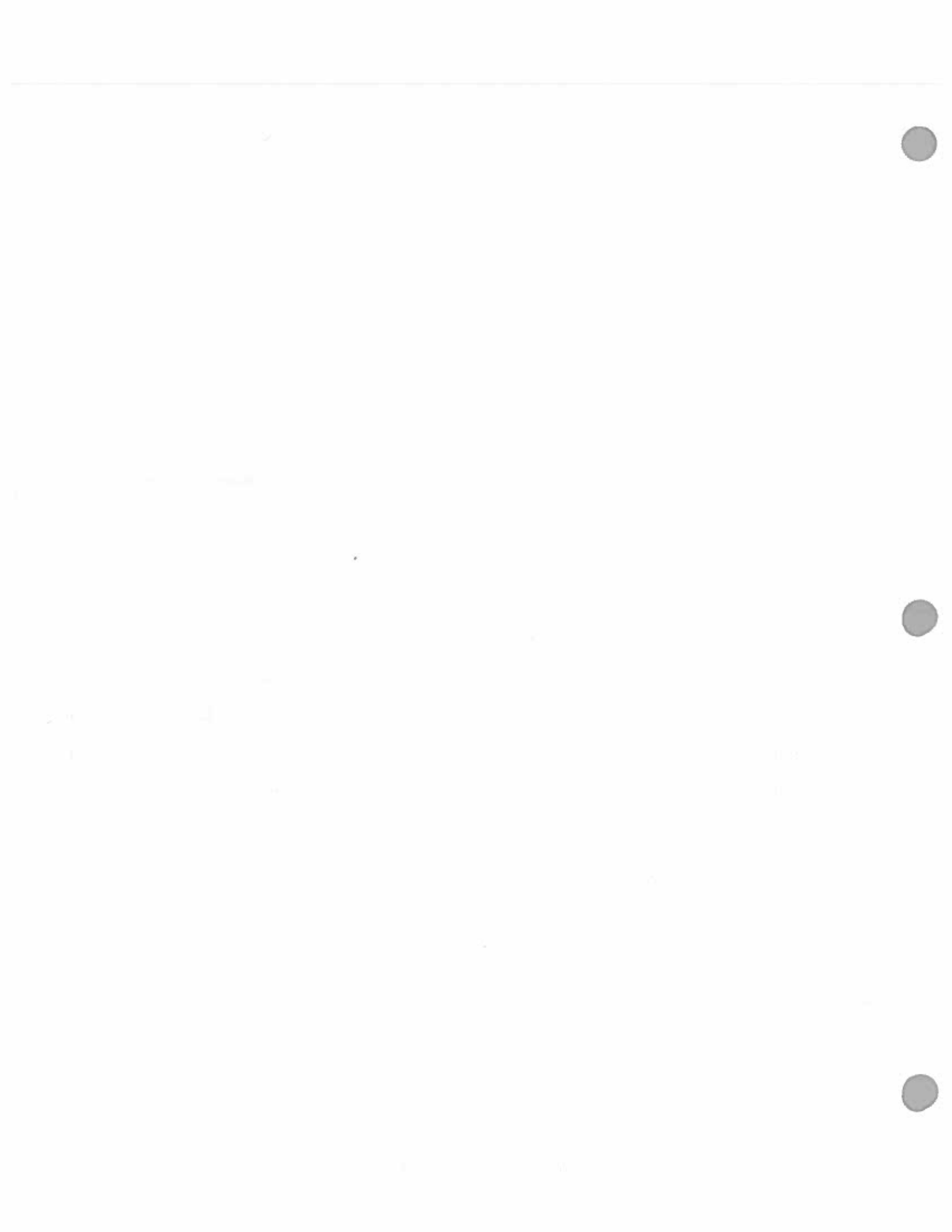
MR. SPITZ: Mr. Sanderman read from a handbook and I am not sure whether or not the handbook is dated or not.

MR. SANDERMAN: I also read from the regulation.

MR. GRECCO: Just for point of clarification, the language in the handbook does differ, the handbook reads, "all particular lots held in common ownership." The regulation reads, "all contiguous lots held in actual or effective ownership."

MR. SANDERMAN: I will like to let the record show that I read the regulation.

MR. GRECCO: I would like to actually hear both of you talk about the verbiage, actual or



effective ownership.

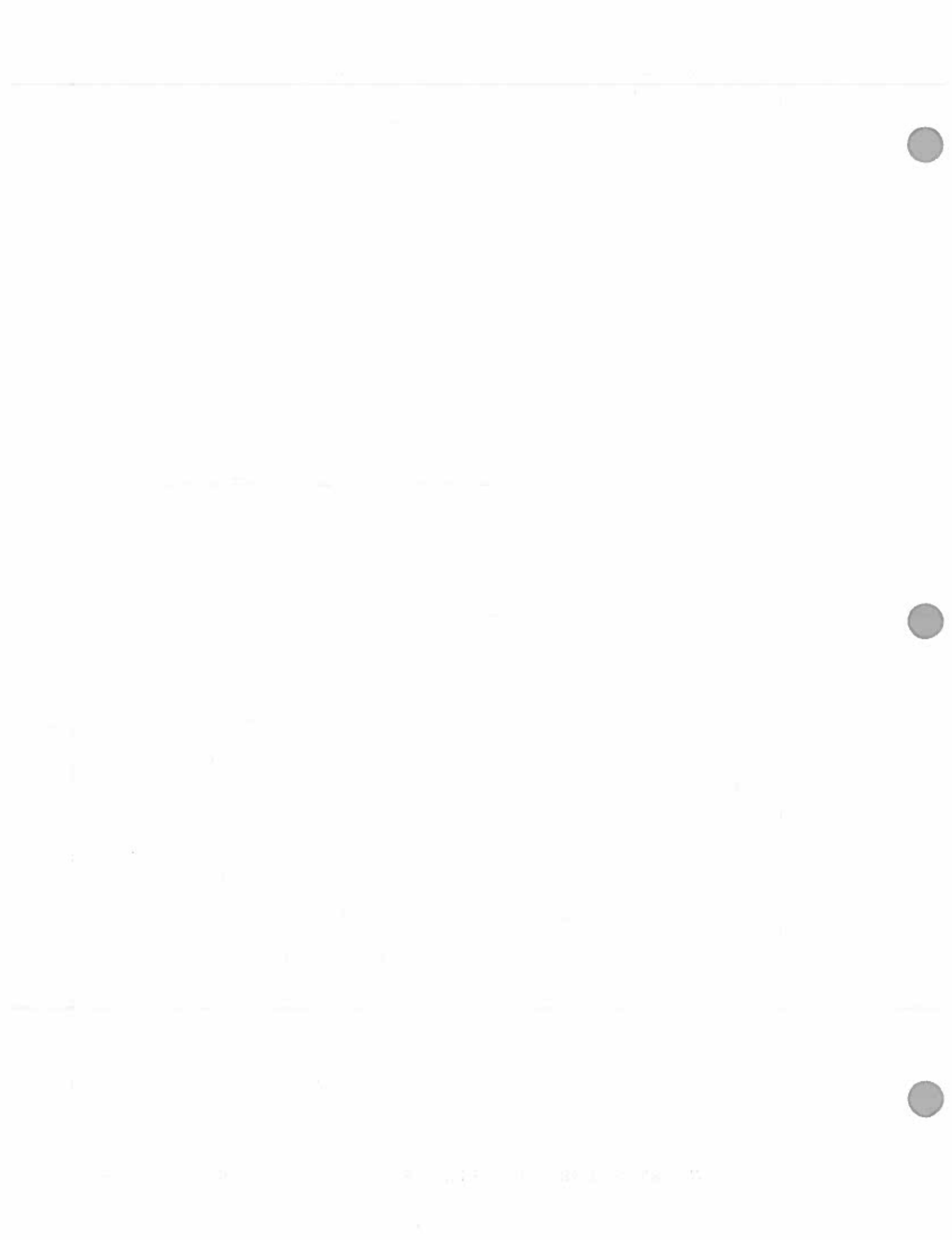
MR. SPITZ: I will be very brief so I will go first.

I go to the regulation. The handbook is written to assist the general reader in understanding the regulation, a statute, but I think an attorney will tell you and it is probably right in the handbook, that if it's in variance of the regulation the regulation would apply.

MR. TRIPP: The question is: How would you interpret them?

MR. SANDERMAN: I would like an opportunity to address that.

MR. SPITZ: I think I spoke on that already. The record will show that I said that I believe you were addressing this particular type, one or several owners who purposely checkerboarded it to address the law, but in affect one in ownership.

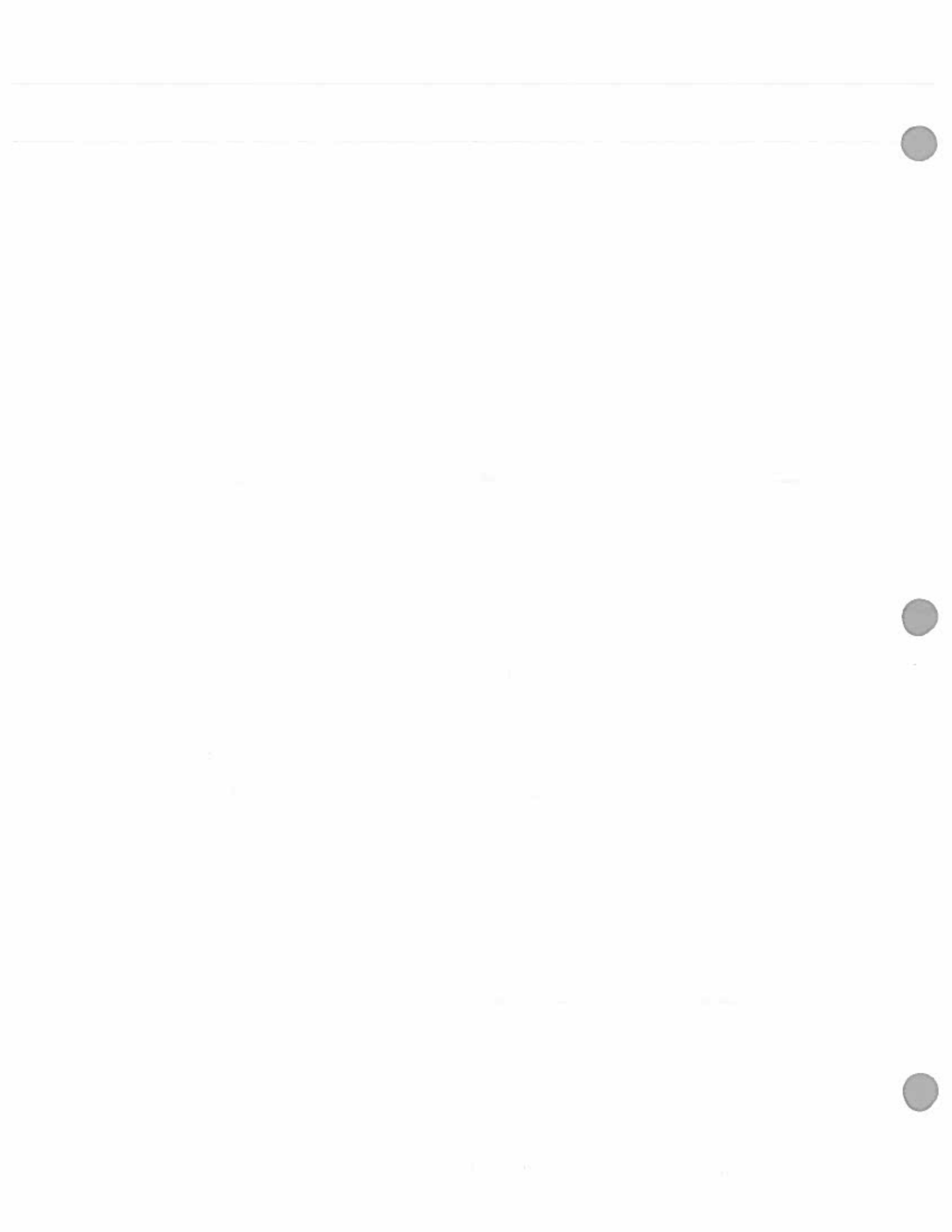


MR. SANDERMAN: I didn't know I would be addressing this issue on a legal basis, but I would like to point out two sections that exist when one is interpreting or applying a statute that impacts the use of land.

This is a volume called McKinney's Statutes (phonetic), which is also known as General Construction Law of the State of New York. These statutes, which were written in the 1800's been widely used by Courts and Judges in interpreting laws. It's binding on any law including agencies in the State of New York. They say two things about statutes such as this.

One, words must be given little meaning.

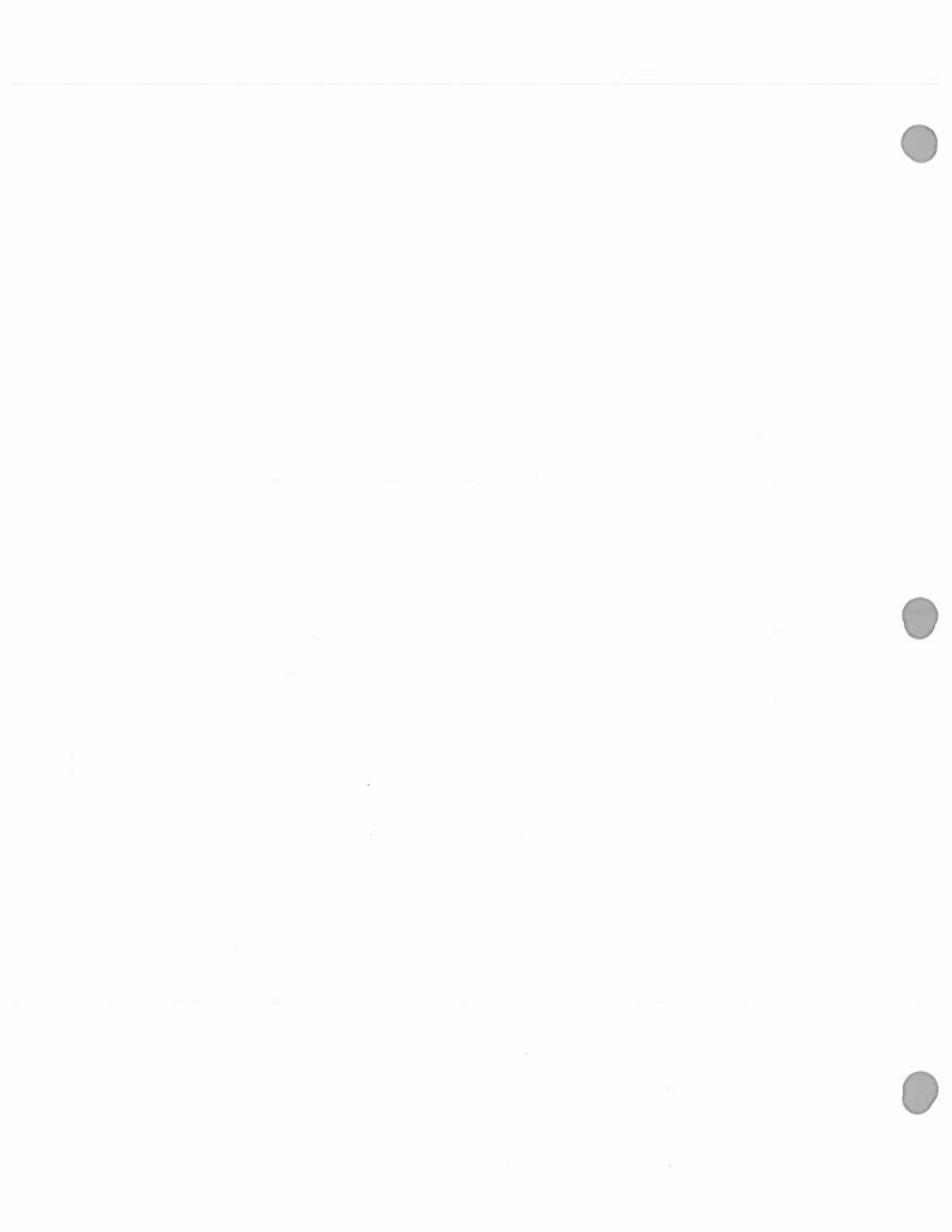
Second, if you can't from their literal meaning, if you can't derive an answer, a satisfactory answer, if it's ambiguous in any



1
2 manner it must be construed against
3 the regulatory agency and in favor
4 of the property owner. This is
5 done to protect property rights
6 against regulators that are
7 interpreting language.

8 We have a law here that use a
9 term, effective common ownership,
10 effective common ownership is not
11 defined in the State Statute. So we
12 have to look at the common meaning
13 of the word. What is effective
14 common ownership, we can't put
15 anything in it, it's faith, it's
16 ambiguous.

17 We have lots here that have
18 checkerboard in partnership which
19 is owned by three or four, I forget
20 the number of individuals, then we
21 have a lot next to it owned by a
22 single individual, is that
23 effective? I would say no, maybe
24 he will say yes. It's certainly
25 susceptible to interpretation and

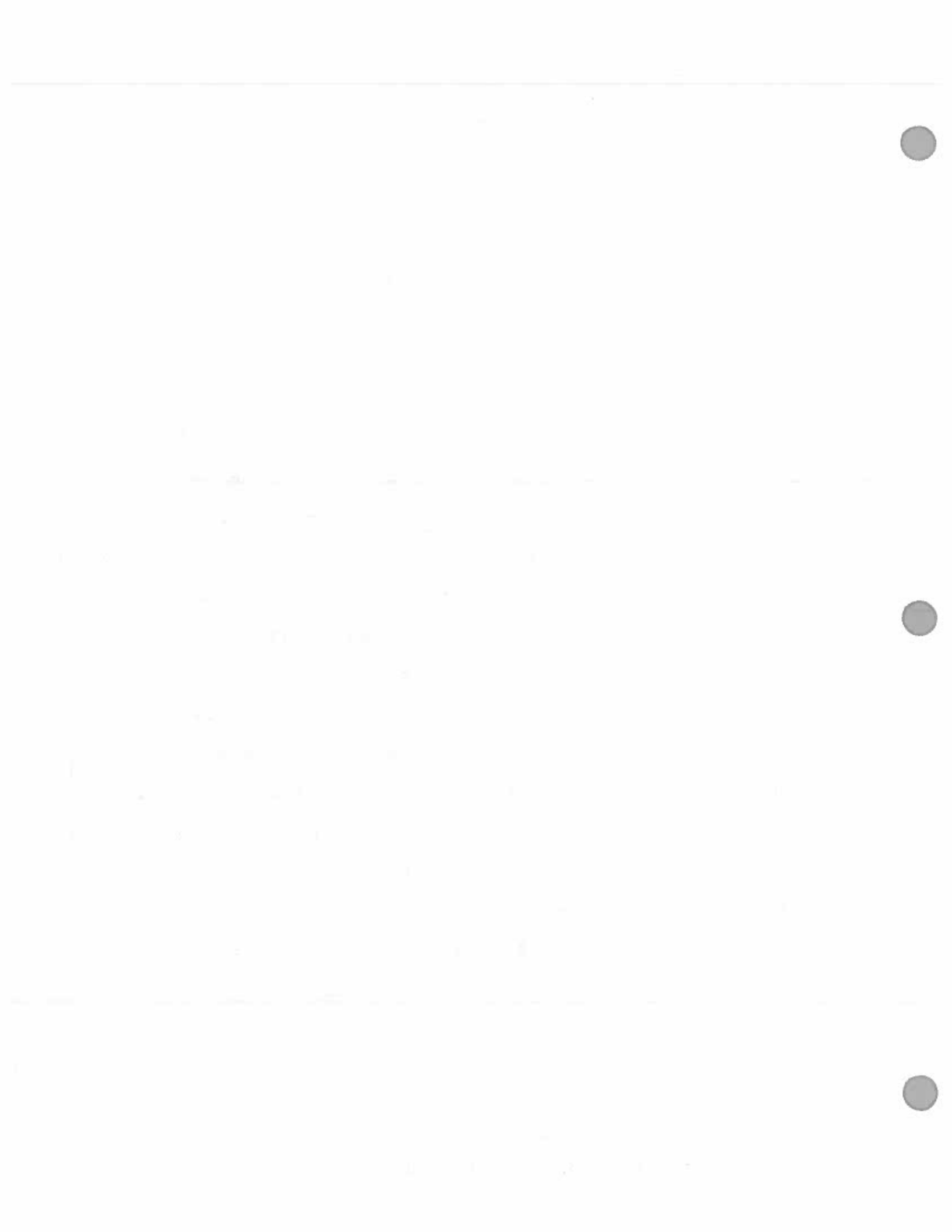


1
2 ambiguous.

3 I have litigated many times
4 the issue of single and separate
5 ownership, and in every litigation
6 the Court rules unless there is a
7 definition of the term you must
8 rule in favor of the property
9 owner. Brookhaven has a definition,
10 it's very clear, it's concise, it
11 talks some merger provision and
12 that has been upheld.

13 On the other hand, because of
14 the issue of single and separate
15 they lose, they win on another
16 issue but having to do with the
17 number of variances you are
18 entitled to. But it's applied and I
19 don't think, you know, one, we will
20 not be willing to make, even if the
21 agency, if the State DEC was
22 willing to answer an advisory
23 application my client would not be
24 willing to make that application.

25 MR. TRIPP: Just so I



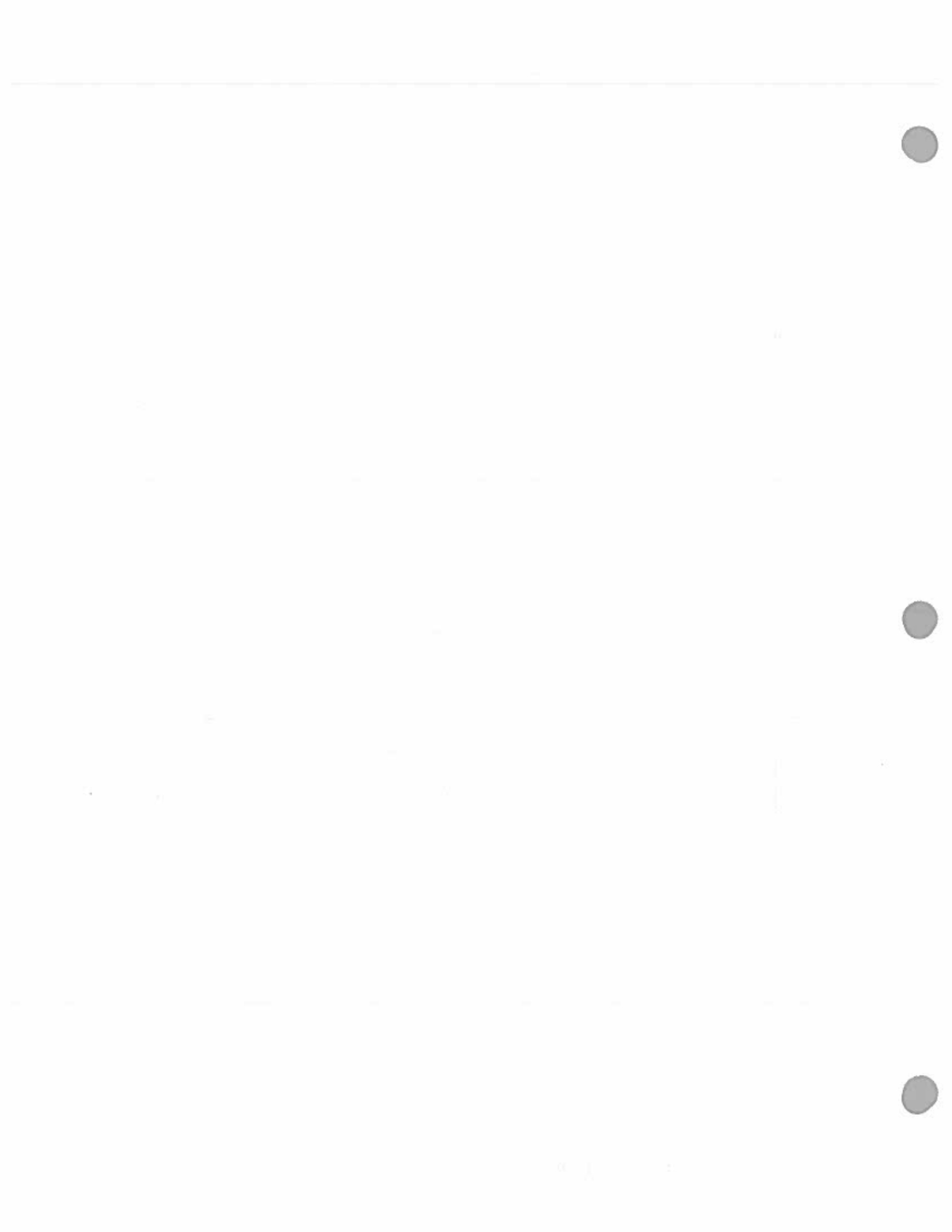
understand, you would agree that the parcels we are talking about are contiguous?

MR. SANDERMAN: Yes, they are contiguous but they are not in common ownership.

MR. TRIPP: How many, in your view, how many owners are there? I think we are talking about 37 parcels.

MR. SANDERMAN: Right, 37 that are the subject of this appeal. There is three different owners. One owner, one is a partnership known as Expressway Patent 60, the other is Bernard Meyer individually, and the third, I believe, Terence Meyer may own one of the lots, I am not sure.

MR. TRIPP: Other than the one lot that Mr. Meyer owns, all the others are owned by two -- in your view, two people; Bernard Meyer himself, individually, and



then the partnership.

MR. SANDERMAN: Correct.

MR. TRIPP: Mr. Meyer is one of the partners in the partnership?

MR. SANDERMAN: That's correct. A partnership consisting of A, B, C owning a lot and an individual consisting of A next door owning a lot.

MR. TRIPP: Let me just ask you, just so I -- how many of the lots are owned by the partnership?

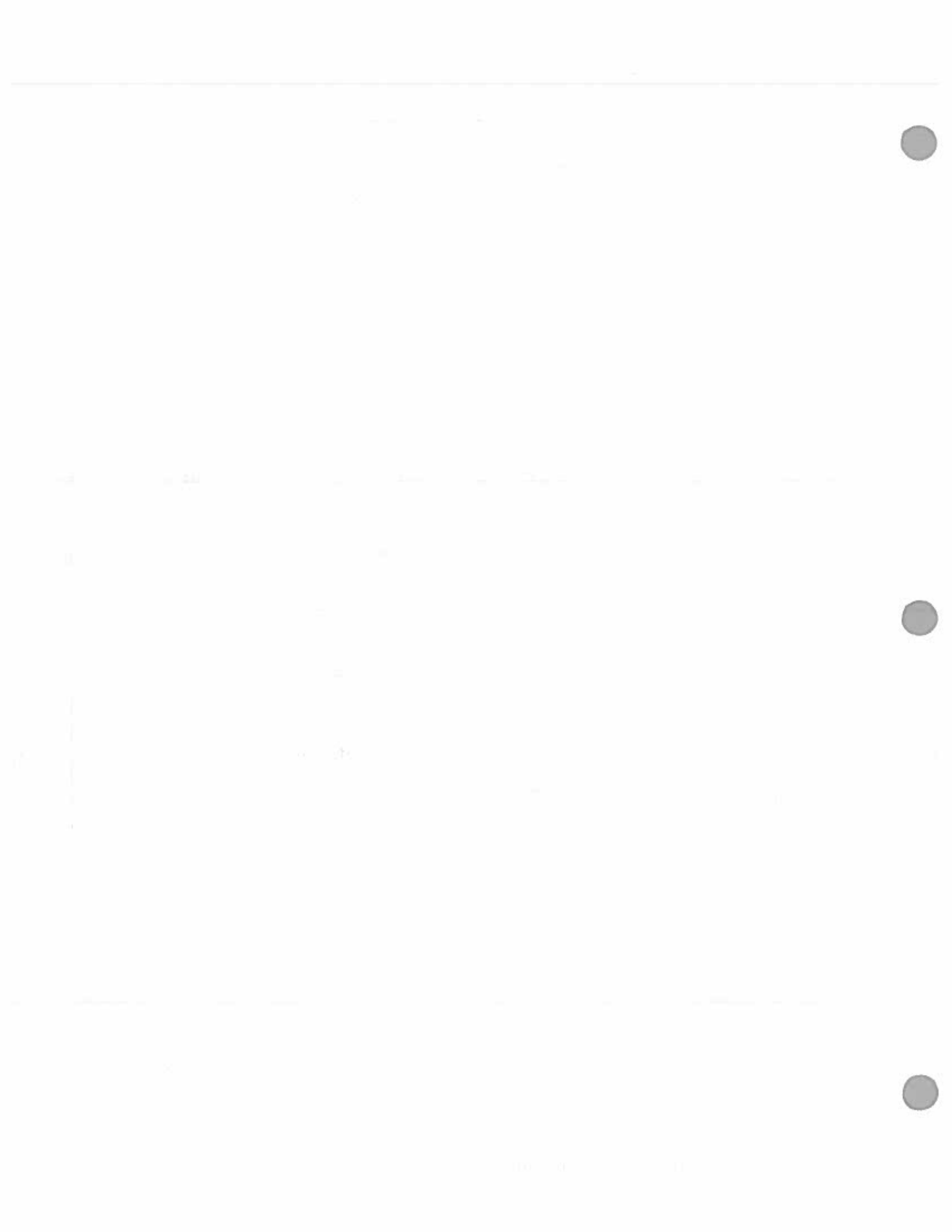
MR. SANDERMAN: I don't know.

MR. TRIPP: Do you know, John, how many lots are owned by the partnership?

MR. MILAZZO: I believe the partnership owns -- Expressway 60 owns 19.

MR. TRIPP: And Bernard Meyer?

MR. MILAZZO: Expressway 60 owns 19 parcels on which they are



appealing and Bernard Meyer owns 18 of which they are appealing.

MR. SANDERMAN: So, Terence Meyer would not own.

MR. TRIPP: Would you agree that the partnership owns those 19 lots on common ownership?

MR. SANDERMAN: Yes, I have stated that.

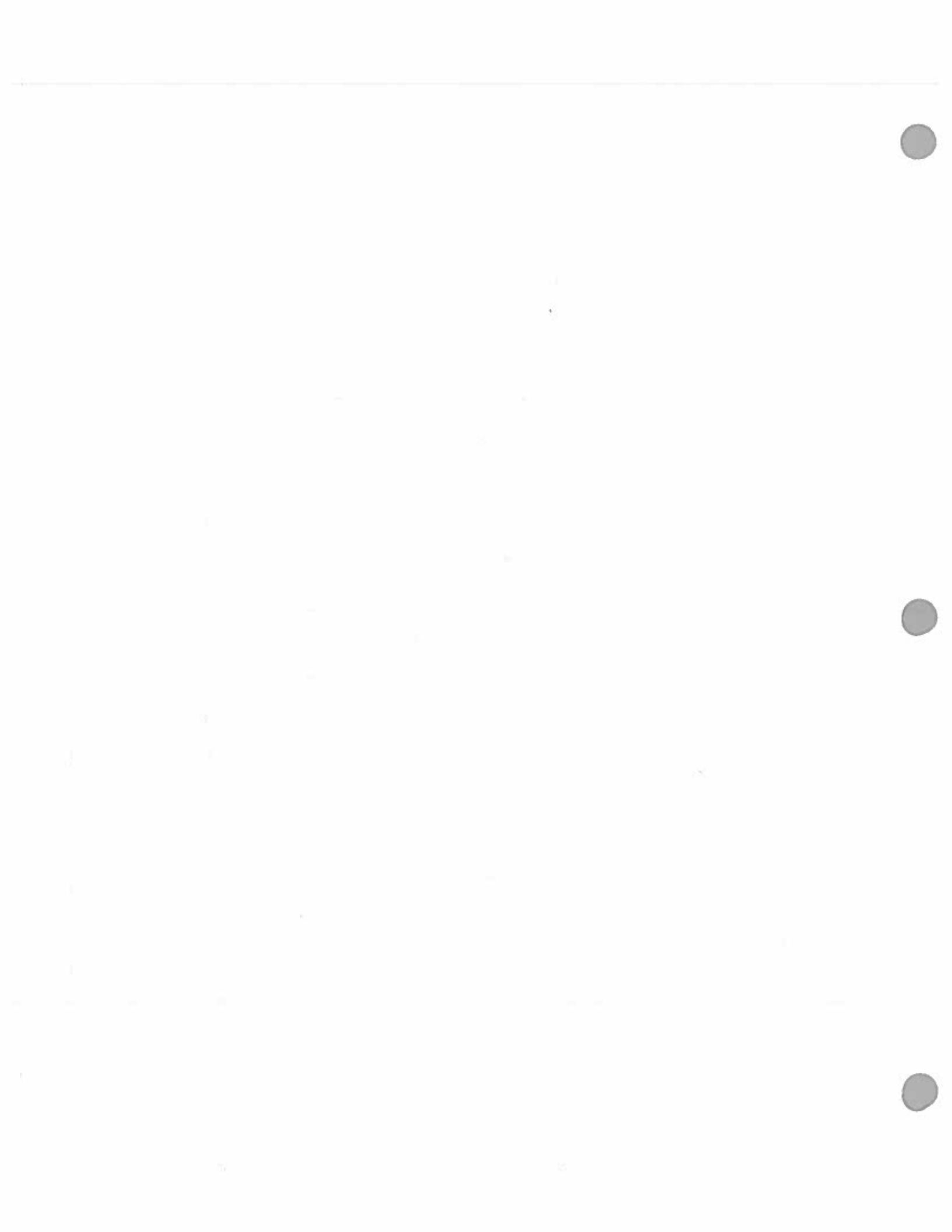
MR. TRIPP: And the same with Bernard Meyer, his 18 lots, one owner?

MR. SANDERMAN: Yes, they are one owner but they are not contiguous.

MR. GRECCO: But, taking it as a whole, you are saying they are contiguous but not actual effective ownership?

MR. SANDERMAN: Correct.

MR. GRECCO: If a parcel is owned by an individual and is tangential, just touching at one point to another parcel that that



individual owns, would that be considered contiguous?

MR. SANDERMAN: No, not when they touch on a corner, there must be an overlap.

MR. TRIPP: I just don't remember all of the facts, how many partners are there in Expressway 60?

MR. SANDERMAN: Bernard Meyer, you've got Doug Vito (phonetic), and I don't remember who the other partners were, Len Wexler (phonetic) was a partner but he has left the partnership a number of years ago and I don't recall.

MR. TRIPP: What percentage of the partnership belongs to Mr. Meyer?

MR. SANDERMAN: He will be an equal partner with the other partners but I don't recall the breakdown of the owners.



Unfortunately, Terry Meyer, his son, could not appear tonight.

MR. TRIPP: He is the same share as all the others or he is half?

MR. SANDERMAN: There is three partners, so a third. I don't recall if it's three or four partners.

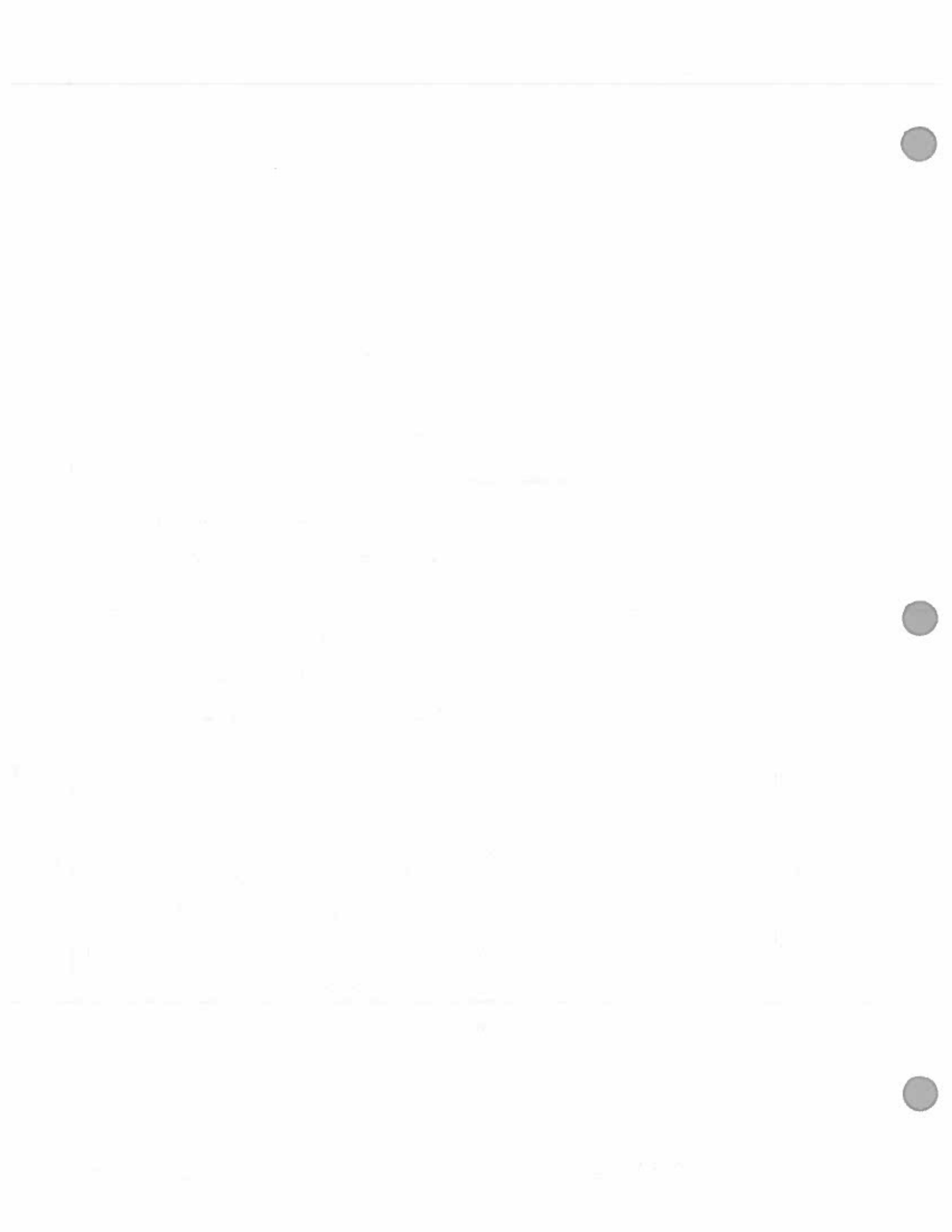
MR. GRECCO: Actual ownership is where the record titles is; right?

MR. SANDERMAN: Correct.

MR. GRECCO: What, in your opinion, does effective ownership mean?

MR. SANDERMAN: I don't know, it's not a defined term. I have never seen it defined in a case. I have never seen it used outside of this. I believe the Health Department uses a term.

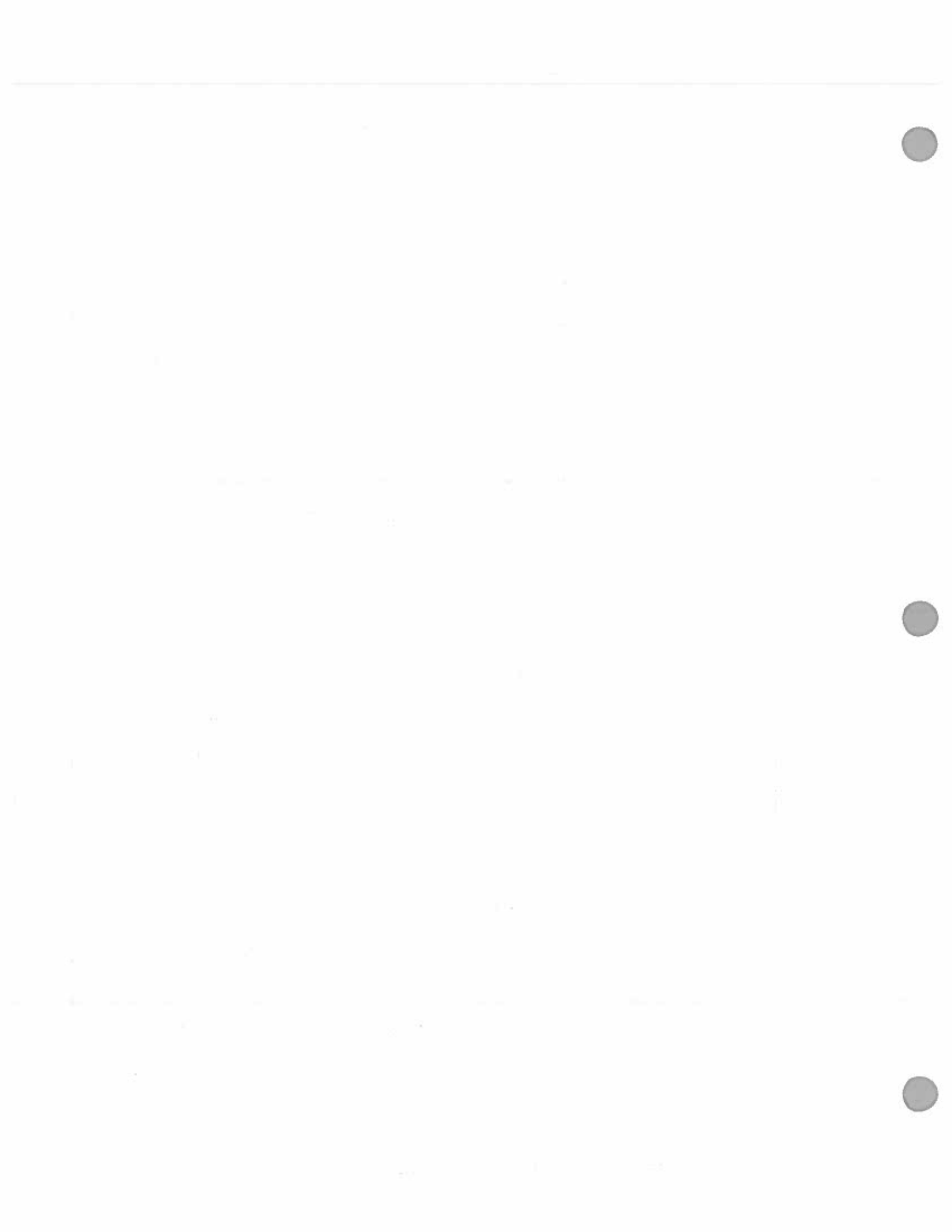
MR. TRIPP: Is there anything further that you want to say on the



1
2 record at this time or may I close
3 the hearing record?

4 MR. SANDERMAN: Just one
5 comment that has nothing to do with
6 the single and separate nature of
7 the lots, but has to do with the
8 implementation of the land.

9 Subsequent to the last
10 hearing I met with Pat Struble
11 (phonetic), who is Councilman for
12 the Town of Brookhaven, because I
13 have a proposal to bring forward
14 where I make it Section 278 New
15 York Town Law cluster application
16 and transfer 25 units, deed the
17 parcel to the County to another
18 parcel that my client owns on the
19 west side of County Road, actually
20 it's the south side of 111,
21 immediately contiguous, not east of
22 the Mirando Nursery parcel
23 (phonetic). One of my clients
24 related to these people own 14
25 acres, they are zoned two-acre.



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

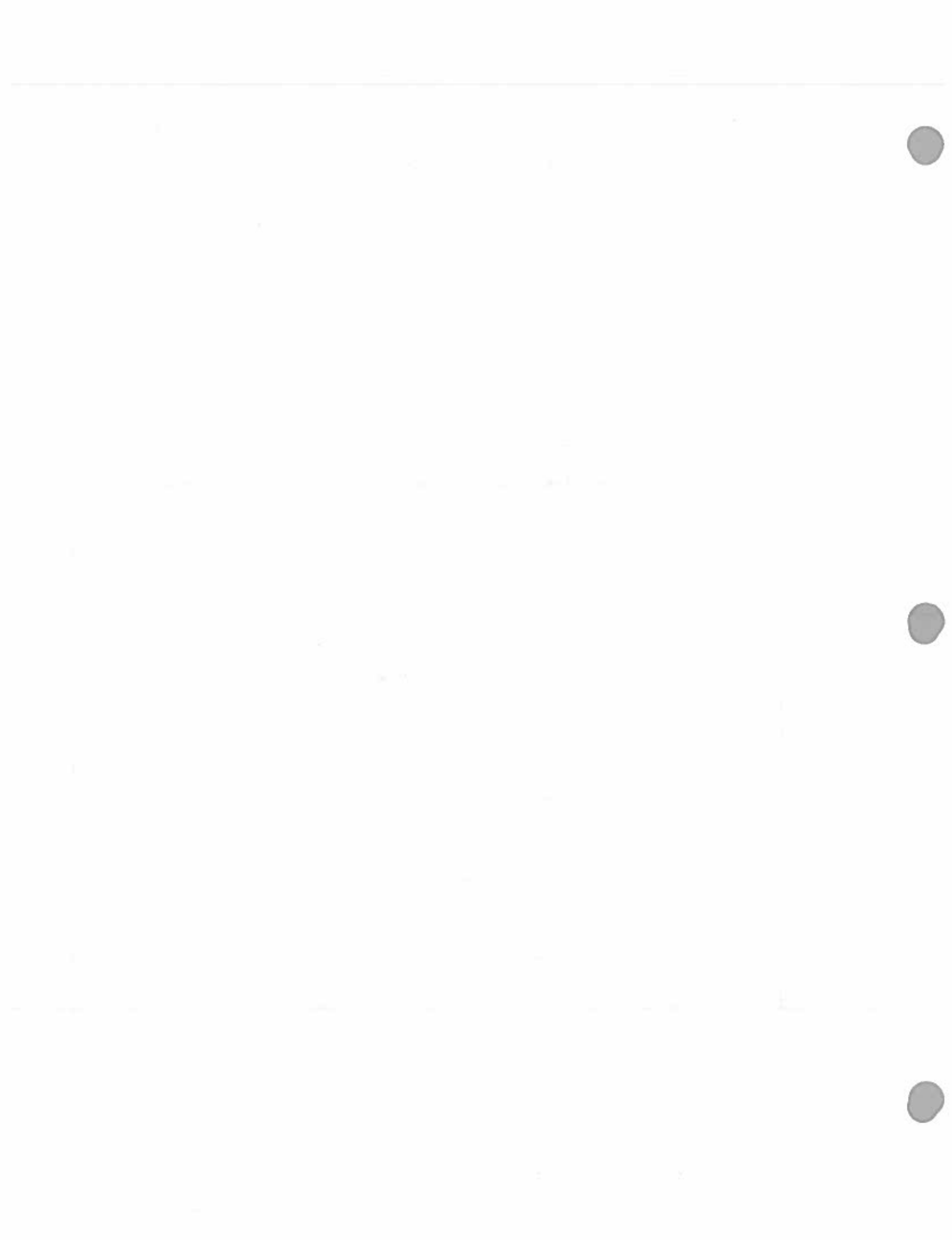
14
15
16
17
18
19
20
21
22
23
24
25

1
2 with children.

3 So, we are trying to receive
4 credits as a way of avoiding
5 litigation to try to work, we will
6 be meeting with people to try to
7 sell credits, we sold one credit on
8 another parcel subject to approval,
9 which I don't know that the Board
10 has acted on yet for all 7,500,
11 someone who needed a credit very
12 quickly.

13 I met with McDonald to talk
14 to them about utilizing credits.
15 It's a very difficult process to
16 sell credits, especially within the
17 Town of Brookhaven because
18 regardless of what they say
19 publicly, internally, they are
20 resisting it. So, to turn around
21 and compromise on this or to accept
22 the total of 10.7 credits is
23 leaving us with very little
24 property value.

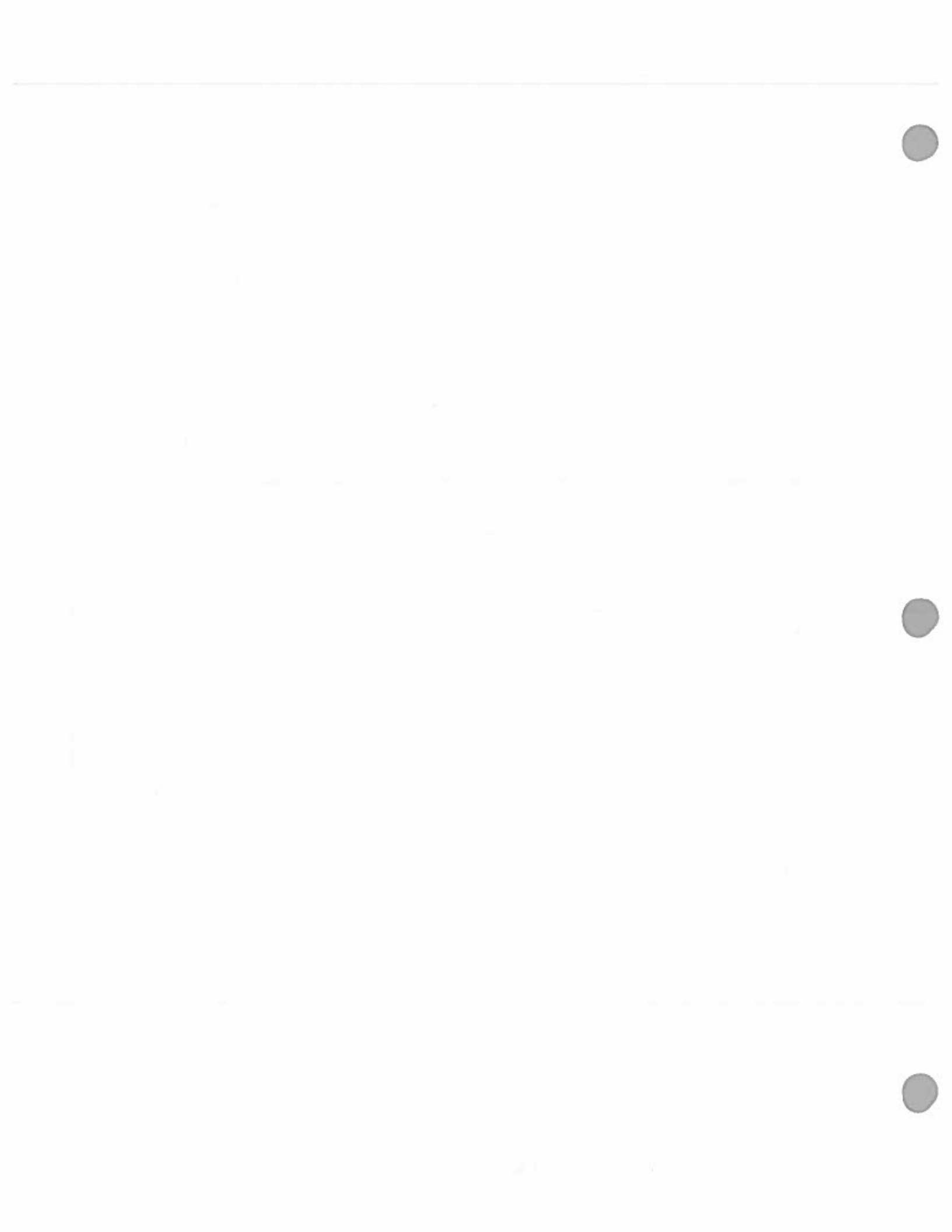
25 I will ask that the Board



take that into consideration in rendering a decision. Things don't have to be according to a formula based upon property values.

MR. TRIPP: Okay, thank you very much. We can take notice of Part, the Part 666 Regulation. I see no need to mark any further exhibits and the hearing record is closed.

(Time noted: 6:25 p.m.)



CERTIFICATION

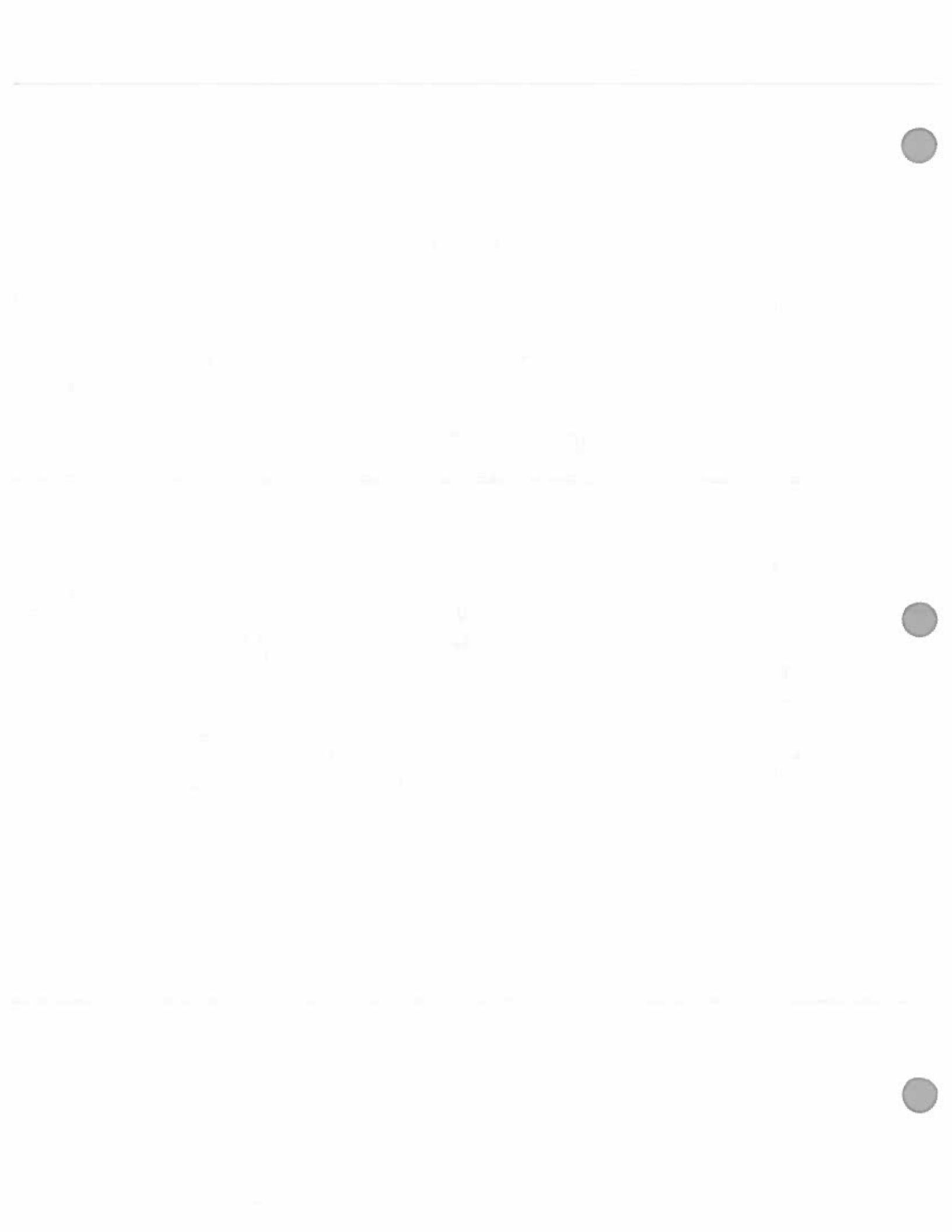
I, KRISTINA SINGROSSI, a Notary Public in
and for the State of New York, do hereby certify
that:

THAT the within transcript is a true record
of the testimony.

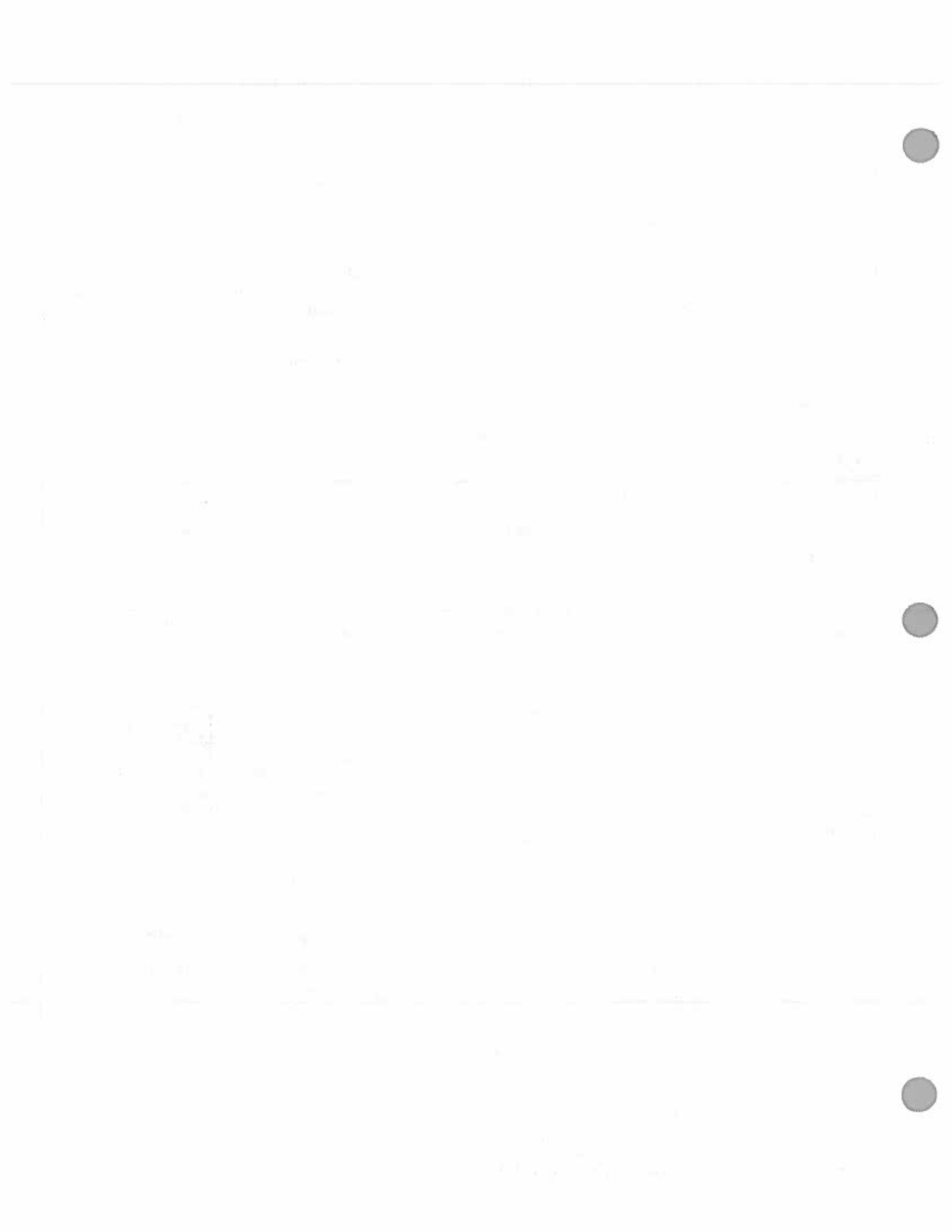
IN WITNESS WHEREOF, I have hereunto set my
hand this 9th day of May, 1996.



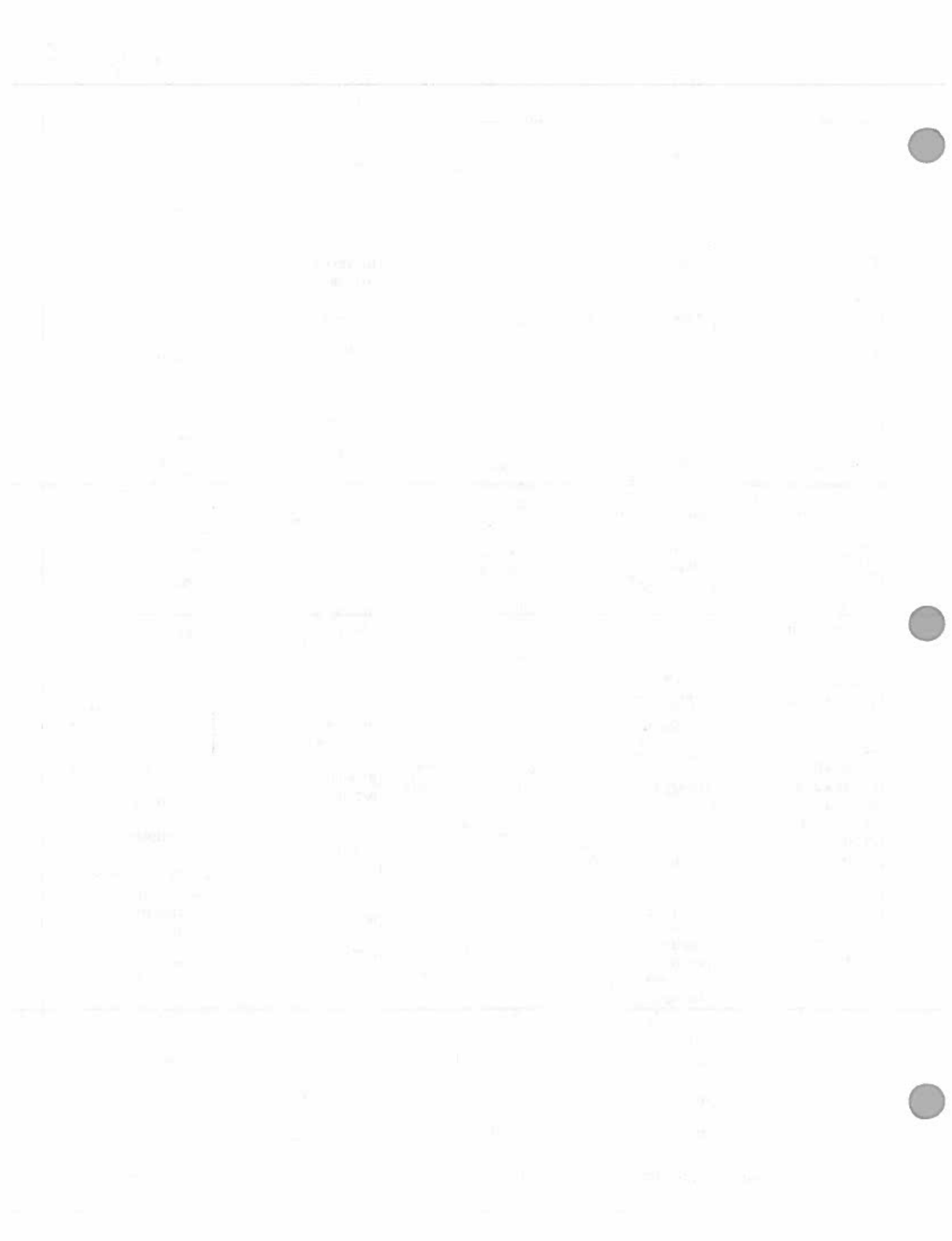
KRISTINA SINGROSSI



<div>-1-</div> <div>10.7 [1] 26:22</div> <div>111 [1] 24:20</div> <div>11739 [1] 1:12</div> <div>14 [1] 24:24</div> <div>18 [2] 21:2 21:12</div> <div>1800's [1] 16:14</div> <div>19 [3] 20:21 20:25 21:7</div> <div>1996 [2] 1:13 28:10</div>	<div>acre [1] 25:7</div> <div>acres [3] 3:23 10:5 24:25</div> <div>act [7] 9:17 10:14 10:23 11:12 12:5 13:13 13:16</div> <div>acted [1] 26:10</div> <div>acts [1] 11:10</div> <div>actual [5] 6:7 14:18 14:25 21:19 23:11</div> <div>address [3] 15:17 15:24 25:18</div> <div>addressing [2] 15:21 16:3</div> <div>adjournment [1] 25:17</div> <div>administrative [1] 4:4</div> <div>adopted [1] 9:8</div> <div>adverse [1] 9:12</div> <div>advise [1] 12:7</div> <div>ADVISORS [1] 2:4</div> <div>advisory [1] 18:22</div> <div>affect [3] 5:19 6:9 15:24</div> <div>affords [1] 10:20</div> <div>against [2] 17:2 17:6</div> <div>agencies [4] 8:25 9:10 11:17 16:17</div> <div>agency [3] 8:24 17:3 18:21</div> <div>ago [1] 22:17</div> <div>agree [3] 8:8 19:2 21:6</div> <div>allowed [2] 5:13 5:25</div> <div>ambiguous [3] 16:25 17:16 18:2</div> <div>answer [4] 9:3 16:24 16:25 18:22</div> <div>answers [2] 11:19 11:19</div> <div>appeal [4] 3:4 3:23 11:14 19:14</div> <div>appealing [2] 21:2 21:3</div> <div>appeals [2] 1:6 10:2</div> <div>appear [1] 23:3</div> <div>applicant [2] 4:14 7:16</div> <div>applicants [2] 11:16 12:9</div> <div>application [10] 3:8 7:22 8:23 9:19 11:14 12:6 12:14 18:23 18:24 24:15</div> <div>applied [1] 18:18</div> <div>apply [4] 9:18</div>	<div>12:6 13:25 15:13</div> <div>applying [2] 11:2 16:7</div> <div>approval [1] 26:8</div> <div>April [1] 1:13</div> <div>area [6] 5:13 5:15 5:19 6:2 6:4 6:10</div> <div>art [1] 13:8</div> <div>Article [5] 9:7 9:11 9:22 9:24 13:18</div> <div>assist [1] 15:6</div> <div>Associates [1] 7:10</div> <div>attempt [1] 25:15</div> <div>attention [1] 3:21</div> <div>attorney [4] 2:10 4:14 7:16 15:9</div> <div>authority [1] 11:24</div> <div>avoiding [1] 26:4</div> <div>awarding [1] 10:24</div> <div>Aye [2] 3:15 3:16</div>	<div>CERTIFICATION [1] 28:2</div> <div>certify [1] 28:5</div> <div>Chairman [1] 2:6</div> <div>checkerboard [1] 17:18</div> <div>checkerboarded [1] 15:23</div> <div>checkerboarding [1] 13:17</div> <div>child [1] 25:13</div> <div>children [1] 26:2</div> <div>chose [1] 13:10</div> <div>clarification [1] 14:13</div> <div>clear [2] 10:12 18:10</div> <div>Clearinghouse [2] 1:4 11:23</div> <div>clearly [1] 10:16</div> <div>client [3] 18:23 24:18 25:15</div> <div>clients [2] 8:5 24:23</div> <div>close [1] 24:2</div> <div>closed [1] 27:11</div> <div>cluster [2] 24:15 25:3</div> <div>Code [1] 5:5</div> <div>comment [1] 24:5</div> <div>common [13] 5:17 6:7 6:19 7:17 7:24 12:24 14:16 17:9 17:10 17:12 17:14 19:7 21:8</div> <div>complaints [1] 9:14</div> <div>comprised [1] 7:11</div> <div>compromise [1] 26:21</div> <div>concept [1] 25:2</div> <div>concerning [1] 6:24</div> <div>concise [1] 18:10</div> <div>conclusion [1] 8:9</div> <div>confirm [1] 8:18</div> <div>Conservation [3] 8:14 8:17 8:21</div> <div>consider [1] 12:22</div> <div>consideration [2] 11:18 27:2</div> <div>considered [1] 22:3</div> <div>consisting [2] 20:8 20:10</div> <div>constrained [1] 9:10</div> <div>Construction [1] 16:12</div> <div>construed [2] 6:25 17:2</div> <div>contiguous [9] 5:16 6:6 14:18 19:4 19:6 21:16 21:19 22:3 24:21</div> <div>control [1] 13:12</div>	<div>conversation [1] 12:18</div> <div>copies [1] 4:25</div> <div>corner [1] 22:5</div> <div>correct [4] 20:3 20:8 21:21 23:14</div> <div>corridor [1] 4:20</div> <div>CORWIN [1] 2:12</div> <div>Councilman [1] 24:11</div> <div>counsel [2] 2:11 12:4</div> <div>County [3] 10:8 24:17 24:19</div> <div>County's [1] 13:18</div> <div>Court [2] 9:6 18:6</div> <div>Courts [1] 16:15</div> <div>covers [1] 10:6</div> <div>Cowen [1] 8:22</div> <div>crafted [3] 9:22 9:23 11:4</div> <div>created [3] 13:16 13:20 25:13</div> <div>credit [4] 1:4 10:24 26:7 26:11</div> <div>credits [6] 10:20 26:4 26:7 26:14 26:16 26:22</div>
<div>-2-</div> <div>20 [1] 25:21</div> <div>22 [1] 3:23</div> <div>23 [1] 1:13</div> <div>25 [2] 6:5 24:16</div> <div>278 [1] 24:14</div>	<div>-3-</div> <div>3525 [1] 1:12</div> <div>37 [2] 19:10 19:12</div>	<div>-B-</div> <div>B [1] 20:9</div> <div>bank [1] 10:24</div> <div>Barrens [2] 1:3 10:19</div> <div>based [2] 12:13 27:5</div> <div>basis [1] 16:4</div> <div>belongs [1] 22:20</div> <div>Bernard [9] 1:7 3:4 7:9 19:17 19:24 20:22 21:2 21:12 22:11</div> <div>Bill [1] 8:19</div> <div>binding [1] 16:16</div> <div>Board [4] 2:4 4:24 26:9 26:25</div> <div>body [1] 8:11</div> <div>book [1] 9:20</div> <div>books [1] 11:10</div> <div>boundaries [1] 3:25</div> <div>breakdown [1] 22:25</div> <div>brief [2] 7:22 15:4</div> <div>bring [1] 24:13</div> <div>Brookhaven [4] 18:9 24:12 25:11 26:17</div> <div>brought [1] 3:20</div> <div>build [1] 25:2</div>	<div>close [1] 24:2</div> <div>closed [1] 27:11</div> <div>cluster [2] 24:15 25:3</div> <div>Code [1] 5:5</div> <div>comment [1] 24:5</div> <div>common [13] 5:17 6:7 6:19 7:17 7:24 12:24 14:16 17:9 17:10 17:12 17:14 19:7 21:8</div> <div>complaints [1] 9:14</div> <div>comprised [1] 7:11</div> <div>compromise [1] 26:21</div> <div>concept [1] 25:2</div> <div>concerning [1] 6:24</div> <div>concise [1] 18:10</div> <div>conclusion [1] 8:9</div> <div>confirm [1] 8:18</div> <div>Conservation [3] 8:14 8:17 8:21</div> <div>consider [1] 12:22</div> <div>consideration [2] 11:18 27:2</div> <div>considered [1] 22:3</div> <div>consisting [2] 20:8 20:10</div> <div>constrained [1] 9:10</div> <div>Construction [1] 16:12</div> <div>construed [2] 6:25 17:2</div> <div>contiguous [9] 5:16 6:6 14:18 19:4 19:6 21:16 21:19 22:3 24:21</div> <div>control [1] 13:12</div>	<div>-D-</div> <div>date [3] 5:18 6:8 6:18</div> <div>dated [1] 14:9</div> <div>deals [1] 7:14</div> <div>DEC [8] 2:13 8:7 8:7 8:17 9:9 9:15 12:2 18:21</div> <div>decision [4] 8:12 11:23 11:24 27:3</div> <div>deed [1] 24:16</div> <div>deemed [1] 6:10</div> <div>define [1] 6:19</div> <div>defined [3] 17:11 23:19 23:20</div> <div>definition [4] 6:24 7:4 18:7 18:9</div> <div>definitive [1] 8:12</div> <div>density [1] 25:22</div> <div>Department [4] 8:13 8:16 8:20 23:23</div> <div>derive [1] 16:24</div> <div>derived [2] 5:4 5:22</div> <div>designated [1] 3:24</div> <div>designation [4] 3:9 4:2 4:21 5:11</div> <div>determine [1] 8:7</div> <div>determined [1] 4:18</div> <div>developed [1] 5:11</div>
<div>-4-</div> <div>42 [1] 25:2</div> <div>44 [3] 6:13 10:21 12:23</div>	<div>-5-</div> <div>57 [4] 9:7 9:11 9:22 9:24</div> <div>5:55 [1] 1:14</div>	<div>-6-</div> <div>6 [1] 13:18</div> <div>6.669e [1] 5:6</div> <div>60 [6] 1:9 3:3 19:17 20:20 20:24 22:10</div> <div>63 [1] 7:10</div> <div>666 [3] 10:11 12:16 27:8</div> <div>666.9e [1] 5:23</div> <div>6:25 [1] 27:12</div>	<div>-7-</div> <div>7,500 [1] 26:10</div>	
<div>-6-</div> <div>6 [1] 13:18</div> <div>6.669e [1] 5:6</div> <div>60 [6] 1:9 3:3 19:17 20:20 20:24 22:10</div> <div>63 [1] 7:10</div> <div>666 [3] 10:11 12:16 27:8</div> <div>666.9e [1] 5:23</div> <div>6:25 [1] 27:12</div>	<div>-7-</div> <div>7,500 [1] 26:10</div>	<div>-8-</div> <div>8th [1] 28:10</div>	<div>-9-</div> <div>9th [1] 28:10</div>	
<div>-5-</div> <div>57 [4] 9:7 9:11 9:22 9:24</div> <div>5:55 [1] 1:14</div>	<div>-6-</div> <div>6 [1] 13:18</div> <div>6.669e [1] 5:6</div> <div>60 [6] 1:9 3:3 19:17 20:20 20:24 22:10</div> <div>63 [1] 7:10</div> <div>666 [3] 10:11 12:16 27:8</div> <div>666.9e [1] 5:23</div> <div>6:25 [1] 27:12</div>	<div>-7-</div> <div>7,500 [1] 26:10</div>	<div>-8-</div> <div>8th [1] 28:10</div>	<div>-A-</div> <div>absence [1] 6:23</div> <div>absent [1] 6:21</div> <div>accept [1] 26:21</div> <div>accordance [1] 13:14</div> <div>according [1] 27:4</div>
<div>-3-</div> <div>3525 [1] 1:12</div> <div>37 [2] 19:10 19:12</div>	<div>ADVISORS [1] 2:4</div> <div>advisory [1] 18:22</div> <div>affect [3] 5:19 6:9 15:24</div> <div>affords [1] 10:20</div> <div>against [2] 17:2 17:6</div> <div>agencies [4] 8:25 9:10 11:17 16:17</div> <div>agency [3] 8:24 17:3 18:21</div> <div>ago [1] 22:17</div> <div>agree [3] 8:8 19:2 21:6</div> <div>allowed [2] 5:13 5:25</div> <div>ambiguous [3] 16:25 17:16 18:2</div> <div>answer [4] 9:3 16:24 16:25 18:22</div> <div>answers [2] 11:19 11:19</div> <div>appeal [4] 3:4 3:23 11:14 19:14</div> <div>appealing [2] 21:2 21:3</div> <div>appeals [2] 1:6 10:2</div> <div>appear [1] 23:3</div> <div>applicant [2] 4:14 7:16</div> <div>applicants [2] 11:16 12:9</div> <div>application [10] 3:8 7:22 8:23 9:19 11:14 12:6 12:14 18:23 18:24 24:15</div> <div>applied [1] 18:18</div> <div>apply [4] 9:18</div>	<div>-B-</div> <div>B [1] 20:9</div> <div>bank [1] 10:24</div> <div>Barrens [2] 1:3 10:19</div> <div>based [2] 12:13 27:5</div> <div>basis [1] 16:4</div> <div>belongs [1] 22:20</div> <div>Bernard [9] 1:7 3:4 7:9 19:17 19:24 20:22 21:2 21:12 22:11</div> <div>Bill [1] 8:19</div> <div>binding [1] 16:16</div> <div>Board [4] 2:4 4:24 26:9 26:25</div> <div>body [1] 8:11</div> <div>book [1] 9:20</div> <div>books [1] 11:10</div> <div>boundaries [1] 3:25</div> <div>breakdown [1] 22:25</div> <div>brief [2] 7:22 15:4</div> <div>bring [1] 24:13</div> <div>Brookhaven [4] 18:9 24:12 25:11 26:17</div> <div>brought [1] 3:20</div> <div>build [1] 25:2</div>	<div>CERTIFICATION [1] 28:2</div> <div>certify [1] 28:5</div> <div>Chairman [1] 2:6</div> <div>checkerboard [1] 17:18</div> <div>checkerboarded [1] 15:23</div> <div>checkerboarding [1] 13:17</div> <div>child [1] 25:13</div> <div>children [1] 26:2</div> <div>chose [1] 13:10</div> <div>clarification [1] 14:13</div> <div>clear [2] 10:12 18:10</div> <div>Clearinghouse [2] 1:4 11:23</div> <div>clearly [1] 10:16</div> <div>client [3] 18:23 24:18 25:15</div> <div>clients [2] 8:5 24:23</div> <div>close [1] 24:2</div> <div>closed [1] 27:11</div> <div>cluster [2] 24:15 25:3</div> <div>Code [1] 5:5</div> <div>comment [1] 24:5</div> <div>common [13] 5:17 6:7 6:19 7:17 7:24 12:24 14:16 17:9 17:10 17:12 17:14 19:7 21:8</div> <div>complaints [1] 9:14</div> <div>comprised [1] 7:11</div> <div>compromise [1] 26:21</div> <div>concept [1] 25:2</div> <div>concerning [1] 6:24</div> <div>concise [1] 18:10</div> <div>conclusion [1] 8:9</div> <div>confirm [1] 8:18</div> <div>Conservation [3] 8:14 8:17 8:21</div> <div>consider [1] 12:22</div> <div>consideration [2] 11:18 27:2</div> <div>considered [1] 22:3</div> <div>consisting [2] 20:8 20:10</div> <div>constrained [1] 9:10</div> <div>Construction [1] 16:12</div> <div>construed [2] 6:25 17:2</div> <div>contiguous [9] 5:16 6:6 14:18 19:4 19:6 21:16 21:19 22:3 24:21</div> <div>control [1] 13:12</div>	<div>conversation [1] 12:18</div> <div>copies [1] 4:25</div> <div>corner [1] 22:5</div> <div>correct [4] 20:3 20:8 21:21 23:14</div> <div>corridor [1] 4:20</div> <div>CORWIN [1] 2:12</div> <div>Councilman [1] 24:11</div> <div>counsel [2] 2:11 12:4</div> <div>County [3] 10:8 24:17 24:19</div> <div>County's [1] 13:18</div> <div>Court [2] 9:6 18:6</div> <div>Courts [1] 16:15</div> <div>covers [1] 10:6</div> <div>Cowen [1] 8:22</div> <div>crafted [3] 9:22 9:23 11:4</div> <div>created [3] 13:16 13:20 25:13</div> <div>credit [4] 1:4 10:24 26:7 26:11</div> <div>credits [6] 10:20 26:4 26:7 26:14 26:16 26:22</div>
<div>-2-</div> <div>20 [1] 25:21</div> <div>22 [1] 3:23</div> <div>23 [1] 1:13</div> <div>25 [2] 6:5 24:16</div> <div>278 [1] 24:14</div>	<div>act [7] 9:17 10:14 10:23 11:12 12:5 13:13 13:16</div> <div>acted [1] 26:10</div> <div>acts [1] 11:10</div> <div>actual [5] 6:7 14:18 14:25 21:19 23:11</div> <div>address [3] 15:17 15:24 25:18</div> <div>addressing [2] 15:21 16:3</div> <div>adjournment [1] 25:17</div> <div>administrative [1] 4:4</div> <div>adopted [1] 9:8</div> <div>adverse [1] 9:12</div> <div>advise [1] 12:7</div> <div>ADVISORS [1] 2:4</div> <div>advisory [1] 18:22</div> <div>affect [3] 5:19 6:9 15:24</div> <div>affords [1] 10:20</div> <div>against [2] 17:2 17:6</div> <div>agencies [4] 8:25 9:10 11:17 16:17</div> <div>agency [3] 8:24 17:3 18:21</div> <div>ago [1] 22:17</div> <div>agree [3] 8:8 19:2 21:6</div> <div>allowed [2] 5:13 5:25</div> <div>ambiguous [3] 16:25 17:16 18:2</div> <div>answer [4] 9:3 16:24 16:25 18:22</div> <div>answers [2] 11:19 11:19</div> <div>appeal [4] 3:4 3:23 11:14 19:14</div> <div>appealing [2] 21:2 21:3</div> <div>appeals [2] 1:6 10:2</div> <div>appear [1] 23:3</div> <div>applicant [2] 4:14 7:16</div> <div>applicants [2] 11:16 12:9</div> <div>application [10] 3:8 7:22 8:23 9:19 11:14 12:6 12:14 18:23 18:24 24:15</div> <div>applied [1] 18:18</div> <div>apply [4] 9:18</div>	<div>12:6 13:25 15:13</div> <div>applying [2] 11:2 16:7</div> <div>approval [1] 26:8</div> <div>April [1] 1:13</div> <div>area [6] 5:13 5:15 5:19 6:2 6:4 6:10</div> <div>art [1] 13:8</div> <div>Article [5] 9:7 9:11 9:22 9:24 13:18</div> <div>assist [1] 15:6</div> <div>Associates [1] 7:10</div> <div>attempt [1] 25:15</div> <div>attention [1] 3:21</div> <div>attorney [4] 2:10 4:14 7:16 15:9</div> <div>authority [1] 11:24</div> <div>avoiding [1] 26:4</div> <div>awarding [1] 10:24</div> <div>Aye [2] 3:15 3:16</div>	<div>CERTIFICATION [1] 28:2</div> <div>certify [1] 28:5</div> <div>Chairman [1] 2:6</div> <div>checkerboard [1] 17:18</div> <div>checkerboarded [1] 15:23</div> <div>checkerboarding [1] 13:17</div> <div>child [1] 25:13</div> <div>children [1] 26:2</div> <div>chose [1] 13:10</div> <div>clarification [1] 14:13</div> <div>clear [2] 10:12 18:10</div> <div>Clearinghouse [2] 1:4 11:23</div> <div>clearly [1] 10:16</div> <div>client [3] 18:23 24:18 25:15</div> <div>clients [2] 8:5 24:23</div> <div>close [1] 24:2</div> <div>closed [1] 27:11</div> <div>cluster [2] 24:15 25:3</div> <div>Code [1] 5:5</div> <div>comment [1] 24:5</div> <div>common [13] 5:17 6:7 6:19 7:17 7:24 12:24 14:16 17:9 17:10 17:12 17:14 19:7 21:8</div> <div>complaints [1] 9:14</div> <div>comprised [1] 7:11</div> <div>compromise [1] 26:21</div> <div>concept [1] 25:2</div> <div>concerning [1] 6:24</div> <div>concise [1] 18:10</div> <div>conclusion [1] 8:9</div> <div>confirm [1] 8:18</div> <div>Conservation [3] 8:14 8:17 8:21</div> <div>consider [1] 12:22</div> <div>consideration [2] 11:18 27:2</div> <div>considered [1] 22:3</div> <div>consisting [2] 20:8 20:10</div> <div>constrained [1] 9:10</div> <div>Construction [1] 16:12</div> <div>construed [2] 6:25 17:2</div> <div>contiguous [9] 5:16 6:6 14:18 19:4 19:6 21:16 21:19 22:3 24:21</div> <div>control [1] 13:12</div>	<div>conversation [1] 12:18</div> <div>copies [1] 4:25</div> <div>corner [1] 22:5</div> <div>correct [4] 20:3 20:8 21:21 23:14</div> <div>corridor [1] 4:20</div> <div>CORWIN [1] 2:12</div> <div>Councilman [1] 24:11</div> <div>counsel [2] 2:11 12:4</div> <div>County [3] 10:8 24:17 24:19</div> <div>County's [1] 13:18</div> <div>Court [2] 9:6 18:6</div> <div>Courts [1] 16:15</div> <div>covers [1] 10:6</div> <div>Cowen [1] 8:22</div> <div>crafted [3] 9:22 9:23 11:4</div> <div>created [3] 13:16 13:20 25:13</div> <div>credit [4] 1:4 10:24 26:7 26:11</div> <div>credits [6] 10:20 26:4 26:7 26:14 26:16 26:22</div>
<div>-1-</div> <div>10.7 [1] 26:22</div> <div>111 [1] 24:20</div> <div>11739 [1] 1:12</div> <div>14 [1] 24:24</div> <div>18 [2] 21:2 21:12</div> <div>1800's [1] 16:14</div> <div>19 [3] 20:21 20:25 21:7</div> <div>1996 [2] 1:13 28:10</div>	<div>acre [1] 25:7</div> <div>acres [3] 3:23 10:5 24:25</div> <div>act [7] 9:17 10:14 10:23 11:12 12:5 13:13 13:16</div> <div>acted [1] 26:10</div> <div>acts [1] 11:10</div> <div>actual [5] 6:7 14:18 14:25 21:19 23:11</div> <div>address [3] 15:17 15:24 25:18</div> <div>addressing [2] 15:21 16:3</div> <div>adjournment [1] 25:17</div> <div>administrative [1] 4:4</div> <div>adopted [1] 9:8</div> <div>adverse [1] 9:12</div> <div>advise [1] 12:7</div> <div>ADVISORS [1] 2:4</div> <div>advisory [1] 18:22</div> <div>affect [3] 5:19 6:9 15:24</div> <div>affords [1] 10:20</div> <div>against [2] 17:2 17:6</div> <div>agencies [4] 8:25 9:10 11:17 16:17</div> <div>agency [3] 8:24 17:3 18:21</div> <div>ago [1] 22:17</div> <div>agree [3] 8:8 19:2 21:6</div> <div>allowed [2] 5:13 5:25</div> <div>ambiguous [3] 16:25 17:16 18:2</div> <div>answer [4] 9:3 16:24 16:25 18:22</div> <div>answers [2] 11:19 11:19</div> <div>appeal [4] 3:4 3:23 11:14 19:14</div> <div>appealing [2] 21:2 21:3</div> <div>appeals [2] 1:6 10:2</div> <div>appear [1] 23:3</div> <div>applicant [2] 4:14 7:16</div> <div>applicants [2] 11:16 12:9</div> <div>application [10] 3:8 7:22 8:23 9:19 11:14 12:6 12:14 18:23 18:24 24:15</div> <div>applied [1] 18:18</div> <div>apply [4] 9:18</div>	<div>12:6 13:25 15:13</div> <div>applying [2] 11:2 16:7</div> <div>approval [1] 26:8</div> <div>April [1] 1:13</div> <div>area [6] 5:13 5:15 5:19 6:2 6:4 6:10</div> <div>art [1] 13:8</div> <div>Article [5] 9:7 9:11 9:22 9:24 13:18</div> <div>assist [1] 15:6</div> <div>Associates [1] 7:10</div> <div>attempt [1] 25:15</div> <div>attention [1] 3:21</div> <div>attorney [4] 2:10 4:14 7:16 15:9</div> <div>authority [1] 11:24</div> <div>avoiding [1] 26:4</div> <div>awarding [1] 10:24</div> <div>Aye [2] 3:15 3:16</div>	<div>CERTIFICATION [1] 28:2</div> <div>certify [1] 28:5</div> <div>Chairman [1] 2:6</div> <div>checkerboard [1] 17:18</div> <div>checkerboarded [1] 15:23</div> <div>checkerboarding [1] 13:17</div> <div>child [1] 25:13</div> <div>children [1] 26:2</div> <div>chose [1] 13:10</div> <div>clarification [1] 14:13</div> <div>clear [2] 10:12 18:10</div> <div>Clearinghouse [2] 1:4 11:23</div> <div>clearly [1] 10:16</div> <div>client [3] 18:23 24:18 25:15</div> <div>clients [2] 8:5 24:23</div> <div>close [1] 24:2</div> <div>closed [1] 27:11</div> <div>cluster [2] 24:15 25:3</div> <div>Code [1] 5:5</div> <div>comment [1] 24:5</div> <div>common [13] 5:17 6:7 6:19 7:17 7:24 12:24 14:16 17:9 17:10 17:12 17:14 19:7 21:8</div> <div>complaints [1] 9:14</div> <div>comprised [1] 7:11</div> <div>compromise [1] 26:21</div> <div>concept [1] 25:2</div> <div>concerning [1] 6:24</div> <div>concise [1] 18:10</div> <div>conclusion [1] 8:9</div> <div>confirm [1] 8:18</div> <div>Conservation [3] 8:14 8:17 8:21</div> <div>consider [1] 12:22</div> <div>consideration [2] 11:18 27:2</div> <div>considered [1] 22:3</div> <div>consisting [2] 20:8 20:10</div> <div>constrained [1] 9:10</div> <div>Construction [1] 16:12</div> <div>construed [2] 6:25 17:2</div> <div>contiguous [9] 5:16 6:6 14:18 19:4 19:6 21:16 21:19 22:3 24:21</div> <div>control [1] 13:12</div>	<div>conversation [1] 12:18</div> <div>copies [1] 4:25</div> <div>corner [1] 22:5</div> <div>correct [4] 20:3 20:8 21:21 23:14</div> <div>corridor [1] 4:20</div> <div>CORWIN [1] 2:12</div> <div>Councilman [1] 24:11</div> <div>counsel [2] 2:11 12:4</div> <div>County [3] 10:8 24:17 24:19</div> <div>County's [1] 13:18</div> <div>Court [2] 9:6 18:6</div> <div>Courts [1] 16:15</div> <div>covers [1] 10:6</div> <div>Cowen [1] 8:22</div> <div>crafted [3] 9:22 9:23 11:4</div> <div>created [3] 13:16 13:20 25:13</div> <div>credit [4] 1:4 10:24 26:7 26:11</div> <div>credits [6] 10:20 26:4 26:7 26:14 26:16 26:22</div>
<div>-2-</div> <div>20 [1] 25:21</div> <div>22 [1] 3:23</div> <div>23 [1] 1:13</div> <div>25 [2] 6:5 24:16</div> <div>278 [1] 24:14</div>	<div>act [7] 9:17 10:14 10:23 11:12 12:5 13:13 13:16</div> <div>acted [1] 26:10</div> <div>acts [1] 11:10</div> <div>actual [5] 6:7 14:18 14:25 21:19 23:11</div> <div>address [3] 15:17 15:24 25:18</div> <div>addressing [2] 15:21 16:3</div> <div>adjournment [1] 25:17</div> <div>administrative [1] 4:4</div> <div>adopted [1] 9:8</div> <div>adverse [1] 9:12</div> <div>advise [1] 12:7</div> <div>ADVISORS [1] 2:4</div> <div>advisory [1] 18:22</div> <div>affect [3] 5:19 6:9 15:24</div> <div>affords [1] 10:20</div> <div>against [2] 17:2 17:6</div> <div>agencies [4] 8:25 9:10 11:17 16:17</div> <div>agency [3] 8:24 17:3 18:21</div> <div>ago [1] 22:17</div> <div>agree [3] 8:8 19:2 21:6</div> <div>allowed [2] 5:13 5:25</div> <div>ambiguous [3] 16:25 17:16 18:2</div> <div>answer [4] 9:3 16:24 16:25 18:22</div> <div>answers [2] 11:19 11:19</div> <div>appeal [4] 3:4 3:23 11:14 19:14</div> <div>appealing [2] 21:2 21:3</div> <div>appeals [2] 1:6 10:2</div> <div>appear [1] 23:3</div> <div>applicant [2] 4:14 7:16</div> <div>applicants [2] 11:16 12:9</div> <div>application [10] 3:8 7:22 8:23 9:19 11:14 12:6 12:14 18:23 18:24 24:15</div> <div>applied [1] 18:18</div> <div>apply [4] </div>			



development [1] 25:3	favor [4] 7:2 17:3 18:8	implement [2] 9:9 13:13	laws [1] 16:16	minimum [2] 5:14 6:3
developments [1] 5:12	first [2] 6:9 15:4	implementation [1] 24:8	leaving [1] 26:23	Mirando [1] 24:22
differ [1] 14:14	five [1] 10:5	implements [1] 12:20	left [1] 22:16	MITCHELL [1] 2:9
different [1] 19:14	follow [1] 4:6	implications [2] 11:6 11:8	legal [1] 16:4	motion [1] 3:12
difficult [1] 26:15	following [2] 4:22 7:21	important [1] 9:25	legislature [2] 5:24 13:15	move [1] 3:4
district [2] 25:9	forget [1] 17:19	including [1] 16:17	Len [1] 22:14	must [4] 16:20 17:2 18:7 22:5
doesn't [1] 10:8	formula [1] 27:4	increase [1] 25:21	levels [1] 12:10	
done [1] 17:5	forum [1] 8:24	indicate [1] 6:15	limited [2] 3:6 12:17	-N-
DONNA [1] 2:18	forward [1] 24:13	individual [5] 12:19 17:22 20:10 21:23 22:2	literal [1] 16:23	N [1] 2:2
door [1] 20:11	four [3] 7:12 17:19 23:9	individually [4] 7:8 7:9 19:18 19:25	litigated [2] 7:3 18:3	nature [1] 24:6
DORIS [1] 2:11	Frankly [1] 13:4	individuals [2] 9:23 17:20	litigation [2] 18:5 26:5	need [1] 27:9
Doug [1] 22:12	frontage [2] 5:16 6:4	inefficient [1] 12:11	look [1] 17:12	needed [1] 26:11
DUFFY [2] 2:8 3:13	frustrating [1] 25:14	inquiring [1] 3:6	LORRAINE [1] 2:17	never [2] 23:20 23:21
-E-	-G-	instance [1] 10:4	lose [1] 18:15	New [7] 1:12 5:5 8:19 16:13 16:18 24:14 28:5
E [2] 2:2 2:2	general [3] 2:11 15:7 16:11	intended [1] 13:25	lots [13] 5:17 6:15 7:7 7:18 14:16 14:18 17:17 19:20 20:14 20:17 21:8 21:12 24:7	next [2] 17:21 20:10
cast [1] 24:21	given [3] 5:7 6:9 16:20	internally [1] 26:19	-M-	Notary [1] 28:4
Eastport [1] 25:24	government [1] 12:10	interpret [1] 15:15	manner [2] 8:5 17:2	noted [1] 27:12
effective [15] 6:7 6:17 6:19 7:17 7:24 10:17 12:24 14:19 15:2 17:9 17:10 17:13 17:23 21:19 23:16	grandfathering [1] 13:23	interpretation [1] 17:25	map [1] 4:9	nothing [2] 24:5 25:7
efficient [1] 12:8	great [2] 1:12 25:8	interpreting [3] 16:6 16:16 17:7	mark [1] 27:9	notice [1] 27:7
either [2] 7:7 10:16	GRECCO [7] 3:16 14:12 14:23 21:17 21:22 23:11 23:15	involving [1] 7:4	matter [3] 1:5 3:3 3:5	now [3] 3:18 4:7 9:6
encompassing [1] 6:14	-H-	issue [7] 9:15 9:17 10:7 16:3 18:4 18:14 18:16	may [13] 3:23 4:7 5:11 5:14 6:3 8:7 8:8 9:2 9:3 12:6 19:19 24:2 28:10	number [3] 17:20 18:17 22:17
entire [1] 10:21	H [1] 4:13	issues [2] 7:3 9:25	McDonald [1] 26:13	Nursery [1] 24:22
entitled [1] 18:18	half [1] 23:6	-J-	McKinney's [1] 16:10	NYCCR [1] 5:22
environmental [4] 4:17 8:13 8:17 8:20	hand [3] 4:23 18:13 28:10	JACK [1] 2:7	mean [1] 23:17	-O-
equal [1] 22:23	handbook [8] 4:25 5:8 14:7 14:8 14:14 14:15 15:6 15:10	JAMES [1] 2:6	meaning [3] 16:21 16:23 17:12	one [20] 10:4 15:22 15:24 16:6 16:20 18:19 19:15 19:15 19:20 19:22 20:4 21:12 21:15 21:24 24:4 24:23 25:12 25:16 25:17 26:7
especially [1] 26:16	HANLEY [2] 2:7 3:15	John [2] 2:10 20:17	meant [1] 13:5	opinion [2] 7:15 23:16
evidence [1] 4:8	Health [1] 23:22	Judges [1] 16:15	meeting [1] 26:6	opportunity [1] 15:17
exempt [1] 7:19	hear [2] 10:3 14:24	-K-	Member [3] 2:7 2:8 2:9	opposed [1] 3:17
exhibits [1] 27:10	hearing [5] 1:6 1:17 24:3 24:10 27:10	kinds [1] 9:4	merger [1] 18:11	ordinances [1] 9:8
exist [1] 16:5	held [4] 5:17 6:7 14:16 14:18	known [2] 16:11 19:16	met [3] 4:16 24:10 26:13	outside [1] 23:21
existing [2] 5:10	hereby [1] 28:5	KRISTINA [2] 28:4 28:15	method [1] 25:18	overlap [1] 22:6
experience [1] 12:15	hereunto [1] 28:9	-L-	Meyer [16] 1:7 3:4 7:8 7:9 19:18 19:19 19:22 19:25 20:4 20:23 21:2 21:5 21:12 22:12 22:21 23:2	own [4] 14:4 19:19 21:5 24:24
Expressway [7] 1:9 3:3 7:10 19:16 20:20 20:24 22:9	highlighted [1] 5:3	land [3] 5:12 16:8 24:8	Milazzo [5] 2:10 4:7 4:16 20:19	owned [7] 7:7 17:19 17:21 19:23 20:14 20:17 21:23
extra [1] 4:24	Highway [1] 1:12	language [6] 5:8 13:19 13:20 13:23 14:13 17:7	mind [1] 13:15	owner [6] 7:2 17:4 18:9 19:15 21:13 21:15
-F-	himself [1] 19:25	large [1] 13:11		owners [4] 15:22 19:9 19:15 22:25
fact [1] 6:16	hope [1] 5:23	last [1] 24:9		ownership [24] 5:17 6:8 6:17 6:20 7:5 7:18 7:25 9:18 10:17 10:18
facts [2] 3:7 22:8	-I-	law [5] 15:24 16:12 16:17 17:8 24:15 5:24		
fairly [1] 11:5	immediately [1] 24:21	lawfully [2] 5:10		
faith [1] 17:15	impacts [1] 16:7			
fall [1] 3:24				
far [1] 25:19				



12:24 14:16 14:19 15:2 15:25 17:9 17:10 17:14 18:5 19:7 21:8 21:20 23:11 23:16	owning [2] 20:9 20:11	owns [9] 14:2 19:22 20:20 20:21 20:25 21:2 21:7 22:2 24:18	-P-	P [2] 2:2 2:2 p.m [2] 1:14 27:12 PALLY [1] 2:9 parcel [10] 4:19 6:14 10:16 10:21 21:22 21:25 24:17 24:18 24:22 26:8 parcels [10] 3:21 6:6 10:25 11:8 12:23 12:23 13:11 19:3 19:11 20:25 part [6] 6:6 6:9 10:11 12:16 27:8 particular [2] 14:15 15:21 partner [2] 22:15 22:23 partners [6] 20:5 22:9 22:14 22:24 23:8 23:10 partnership [12] 7:11 17:18 19:16 20:2 20:6 20:8 20:14 20:18 20:20 21:7 22:16 22:20 parts [1] 5:6 past [1] 7:6 Pat [1] 24:10 Patent [4] 1:9 3:3 7:10 19:17 Peconic [3] 3:8 4:2 4:20 people [5] 9:21 13:9 19:24 24:24 26:6 per [1] 25:7 percent [1] 25:21 percentage [1] 22:19 permitted [1] 25:11 persons [1] 7:13 Phillip [1] 4:13 phone [1] 4:15 phonetic [5] 16:10 22:13 22:15 24:11 24:23 Pine [2] 1:3 10:19 place [1] 9:7 plan [6] 9:9 9:12 9:23 10:19 11:4 11:21	planner [1] 4:17 plot [1] 5:25 PLUNKETT [1] 2:18 point [6] 8:15 9:16 11:3 14:12 16:5 21:25 potential [1] 3:10 present [3] 2:16 8:23 9:6 previous [1] 7:21 procedures [1] 4:4 process [1] 26:15 productive [1] 11:15 program [2] 4:5 12:19 project [1] 25:4 properties [2] 6:25 10:6 property [8] 3:10 7:2 8:6 17:4 17:5 18:8 26:24 27:5 proposal [1] 24:13 protect [1] 17:5 provision [1] 18:11 Public [3] 1:6 1:17 28:4 publicly [1] 26:19 published [1] 5:2 purpose [2] 3:6 13:21 purposely [1] 15:23 pursuant [1] 9:24 put [1] 17:14	-Q-	questions [2] 9:4 11:17 quickly [1] 26:12 quite [1] 10:12	-R-	R [1] 2:2 ratios [1] 11:2 Ray [2] 2:12 8:21 read [5] 13:2 13:24 14:7 14:10 14:21 reader [1] 15:7 reading [2] 10:11 13:5 reads [2] 14:15 14:17 reason [1] 9:5 reasons [1] 25:16 receive [1] 26:3 received [1] 4:15 recognize [2] 10:9 10:15 record [9] 4:11	6:12 14:21 15:19 23:12 24:2 24:3 27:10 28:7 Recreation [2] 10:14 11:11 Recreational [1] 10:23 regardless [1] 26:18 regulation [11] 5:18 5:21 6:24 14:11 14:17 14:22 15:5 15:8 15:12 15:12 27:8 regulations [8] 5:6 6:18 7:20 8:2 10:11 10:13 12:16 13:10 regulators [1] 17:6 regulatory [1] 17:3 related [1] 24:24 relating [1] 3:7 remember [2] 22:8 22:13 remind [1] 8:3 render [1] 11:24 rendering [1] 27:3 reopen [1] 3:5 represent [1] 8:25 representing [1] 8:21 requirements [1] 5:15 resistance [1] 25:23 resisting [1] 26:20 resolve [1] 11:17 restrict [1] 8:4 result [1] 25:12 reviewed [1] 4:18 right [5] 11:20 12:3 15:10 19:12 23:13 rights [2] 6:25 17:5 river [10] 1:12 3:8 4:2 4:20 4:21 5:13 5:19 5:25 6:10 10:14 rivers [4] 5:11 10:23 11:11 13:13 Road [1] 24:19 roadfront [1] 11:8 ROBERT [1] 2:8 ROTH [1] 2:11 rule [1] 18:8 rules [3] 5:5 8:2 18:6	-S-	S [1] 2:2 sake [1] 4:11 Sanderman [25] 3:19 4:10 4:13 13:24 14:6 14:10 14:20	15:16 16:2 19:5 19:12 20:3 20:7 20:15 21:4 21:9 21:14 21:21 22:4 22:11 22:22 23:7 23:14 23:18 24:4 Sanderman's [1] 9:14 satisfactory [1] 16:24 satisfy [2] 5:14 6:3 scenic [7] 3:9 4:2 4:19 4:21 10:13 10:22 11:11 school [3] 25:9 25:12 25:25 searches [1] 6:14 second [3] 3:11 3:13 16:22 section [4] 5:3 6:5 14:5 24:14 sections [1] 16:5 see [2] 11:14 27:9 seeks [1] 13:19 sell [2] 26:7 26:16 send [2] 11:15 12:9 separate [12] 6:13 6:16 7:5 9:18 10:7 10:15 11:7 13:6 13:7 18:4 18:14 24:6 set [1] 28:9 several [1] 15:22 shall [2] 6:10 11:25 share [1] 23:5 shoreline [2] 5:16 6:4 show [3] 6:4 14:21 15:20 side [2] 24:19 24:20 significant [1] 6:22 simply [1] 9:21 single [19] 5:20 6:10 6:13 6:16 7:4 9:17 10:7 10:15 10:17 11:6 13:6 13:7 13:12 13:25 14:2 17:22 18:4 18:14 24:6 SINGROSSI [2] 28:4 28:15 site [1] 25:5 siting [1] 5:22 small [1] 14:3 sold [1] 26:7 someone [1] 26:11 son [1] 23:3 sought [1] 25:20 south [1] 24:20 speak [1] 13:23 specified [1] 6:5 Spitz [11] 2:13 8:15 8:19 12:3	12:13 12:17 12:25 13:4 14:6 15:3 15:18 spoke [1] 15:18 State [10] 4:5 5:2 8:12 8:16 8:20 16:12 16:18 17:11 18:21 28:5 State's [1] 10:22 states [2] 5:9 5:24 statute [4] 5:9 15:8 16:7 17:11 statutes [3] 16:10 16:13 16:19 strangled [1] 25:25 strategy [1] 13:17 Struble [1] 24:10 subject [3] 3:22 19:13 26:8 submit [2] 6:21 10:10 submitted [1] 6:13 Subsequent [1] 24:9 such [1] 16:19 suggest [1] 25:20 summary [1] 5:7 Sunrise [1] 1:12 susceptible [1] 17:25	-T-	takes [1] 6:9 taking [2] 10:25 21:17 talks [1] 18:11 tangential [1] 21:24 Terence [3] 7:8 19:19 21:4 term [5] 13:8 17:9 18:7 23:19 23:23 terms [3] 10:2 11:5 25:9 Terry [1] 23:2 testified [1] 7:6 testimony [1] 28:8 thank [1] 27:6 third [2] 19:18 23:8 three [6] 7:12 17:19 19:14 23:8 23:9 25:7 through [2] 4:12 4:22 times [1] 18:3 titles [1] 23:12 tonight [1] 23:3 took [1] 5:18 total [1] 26:22 totally [1] 25:14 touch [1] 22:5 touching [1] 21:24 Town [5] 24:12
--	--------------------------	---	-----	---	--	-----	--	-----	--	--	-----	--	--	--	-----	--



24:15 25:11 25:23 26:17	Towns [1] 9:7	Vito [1] 22:12			
transcript [1] 28:7		volume [1] 16:9			
transfer [1] 24:16		-W-			
transferring [1] 25:19		west [1] 24:19			
transfers [1] 25:10		Wexler [1] 22:15			
treated [2] 5:20		WHEREOF [1] 28:9			
14:5		whole [1] 21:18			
TREZZA [1] 2:17		widely [1] 16:15			
TRIPP [25] 2:6		wild [6] 3:9 3:25			
3:2 3:14 3:17		4:21 10:13 10:22			
7:23 11:22 12:12		11:11			
12:21 13:3 13:22		WILLIAM [1] 2:13			
15:14 18:25 19:8		willing [3] 18:20			
19:21 20:4 20:12		18:22 18:24			
20:16 20:22 21:6		win [1] 18:15			
21:11 22:7 22:19		within [5] 3:24			
23:4 23:24 27:6		3:25 25:9 26:16			
true [1] 28:7		28:7			
try [2] 26:5 26:6		without [1] 11:25			
trying [1] 26:3		withstanding [1] 6:2			
turn [1] 26:20		WITNESS [1] 28:9			
two [6] 4:24 16:5		word [1] 17:13			
16:18 19:23 19:24		words [1] 16:20			
25:22		worth [1] 7:15			
two-acre [1] 24:25		written [5] 11:21			
type [1] 15:22		13:7 13:9 15:6			
-U-		16:14			
uncertain [1] 25:8		WSRR [2] 6:18			
under [7] 4:4		7:19			
4:5 10:17 12:22		-Y-			
12:24 13:12 14:5		years [1] 22:17			
understand [1] 19:2		yellow [1] 5:4			
understood [1] 9:21		yet [1] 26:10			
Unfortunately [1] 23:2		yield [3] 25:4 25:5			
unit [1] 25:3		25:6			
units [3] 24:16 25:7		York [7] 1:12 5:5			
25:22		8:19 16:13 16:18			
unless [1] 18:6		24:15 28:5			
up [1] 8:11		-Z-			
upheld [1] 18:12		zoned [1] 24:25			
used [2] 16:15 23:21		zoning [2] 9:8			
uses [2] 5:12 23:23		10:5			
using [1] 25:4					
utilize [1] 25:21					
utilizing [2] 25:22					
26:14					
-V-					
value [1] 26:24					
values [1] 27:5					
variance [1] 15:11					
variances [1] 18:17					
various [1] 11:16					
verbiage [1] 14:25					
view [4] 12:12 13:22					
19:9 19:24					
visit [1] 12:5					



State Environmental Quality Review Act
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
July 9, 1996

This notice is issued pursuant to Part 617 of 6 New York Code Rules and Regulations implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Pine Barrens Credit Clearinghouse, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement need not be prepared.

LEAD AGENCY: The Pine Barrens Credit Clearinghouse
P. O Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

TITLE OF ACTION: Appeal of Pine Barrens Credit Allocation contained in 37 Letters of Interpretation issued to Bernard Meyer and Expressway 60 Patent, a partnership on December 26, 1995.

APPLICANTS: Bernard Meyer and Expressway 60 Patent

SEQRA STATUS: Unlisted Action

LOCATION: North of Concourse Road
Manorville, Town of Brookhaven, New York.

SUFFOLK COUNTY TAX #: 200-411-5-3.1; 3.2; 3.3; 3.4; 3.6; 3.7; 3.8; 4.1; 4.2; 4.3; 4.4;
4.6; 4.7; 4.8; 9.1; 9.2; 9.3; 9.4; 9.6; 9.7; 9.8; 10.2; 10.3;
10.4; 10.6; 10.7; 10.8; 15.2; 15.3; 15.4; 15.5; 15.6; 16.2;
17.1; 17.2; 17.3; and 17.4.

DESCRIPTION OF ACTION:

The applicants are appealing the allocations contained in Letters of Interpretation issued on December 26, 1995. The Pine Barrens Credit Clearinghouse allocated to 37 lots, 0.10 Pine Barrens Credits per lot. Pursuant to Section 6.7.3.4 of the Central Pine Barrens Comprehensive Land Use Plan, the applicants appealed this allocation. Applicants sought to have one (1) full Pine Barrens Credit allocated for each of their 37 lots. Applicant's appeal was heard at a public hearing on February 28, 1996, and continued on March 26 and April 23. The Clearinghouse is proposing to increase the allocation per lot from 0.10 Pine Barrens Credits to 0.40 Pine Barrens Credit.

REASONS SUPPORTING THIS DETERMINATION:

The subject parcels are within the Core Preservation Area of the Central Pine Barrens as defined by the Long Island Pine Barrens Protection Act of 1993. The Act required the preparation of a comprehensive land use plan for the Central Pine Barrens. A component of the Plan is the Pine Barrens Credit Program, a transferrable rights program. The Plan and its SEQRA documents were adopted by the Central Pine Barrens Joint Planning and Policy Commission in June, 1995.

The Supplemental Generic Environmental Impact Statement analyzed the cumulative environmental impact of transferring 1,650 Pine Barrens Credits from the portion of the Core Preservation Area in the Town of Brookhaven to non-Core areas in the Town. However, due to State of New York and County of Suffolk land acquisitions which have occurred subsequent to that analysis the number of potential Pine Barrens Credits has decreased from 1,650. It has been estimated that parcels which could have generated 400 Pine Barrens Credits have been acquired. The increased allocation of 11.1 Pine Credits to 14.8 from the originally allocated 3.7 is still well within the parameters analyzed under the SEQRA process. Therefore the potential environmental impacts associated with the increased allocation are within the scope of the impacts previously analyzed.

A further reason supporting this determination is that the subject lots are within the Core Preservation Area of the Central Pine Barrens as defined by Article 57 of the Environmental Conservation Law as well as Groundwater Management Zone III as defined by the Suffolk County Department of Health. Article 6 of the Suffolk County Sanitary Code governs "Realty Subdivisions, Developments and Other Construction Projects." These regulations require that any development of any parcel less than 40,000 square in Groundwater Management Zone III must have a community sewage system and a community water system. Although waivers to this requirement exist, there is no automatic waiver where five (5) or more of such parcels are owned by a developer. The applicants would be defined as a developer. Therefore, given that applicants owned 37 lots in total each with approximately one-half acre of land area, if developed pursuant to Article 6, the lots could have generated 5,550 gallons of sanitary flow. A Pine Barrens Credit entitles the bearer to increase the permissible sewage flow of one acre of land (40,000 square feet) from 300 to 600 gallons per day in Zone III. Therefore, the allocation of 14.8 Pine Barrens Credits which is equivalent to 4,440 gallons of sanitary flow is less than what could have been generated had the applicant developed his parcels pursuant to Article 6.

CONTACT PERSON: Raymond P. Corwin, Executive Director, Central Pine Barrens Joint Planning and Policy Commission

COPIES OF THIS NOTICE SENT TO: Central Pine Barrens Commission Members
Dennis Moran, Suffolk County Department of Health Services
Bernard Meyer, Terrence Meyer c/o Philip Sanderman, Esq.

PINE BARRENS CREDIT CLEARINGHOUSE

AMES T.B. TRIPP, ESQ., CHAIRMAN
ALLAN D. GRECCO, ESQ., VICE CHAIRMAN
ANDREW P. FRELENG, A.I.C.P., MEMBER
JOHN F. HANLEY, MEMBER
MITCHELL H. PALLY, ESQ., MEMBER

Appeal Decision July 9, 1996

In the Matter of the Appeal of Expressway 60 Patent and Bernard Meyer of the Allocation of Pine Barrens Credits Concerning SCTM 200-411-5-3.1; 3.2; 3.3; 3.4; 3.6; 3.7; 3.8; 4.1; 4.2; 4.3; 4.4; 4.6; 4.7; 4.8; 9.1; 9.2; 9.3; 9.4; 9.6; 9.7; 9.8; 10.2; 10.3; 10.4; 10.6; 10.7; 10.8; 15.2; 15.3; 15.4; 15.5; 15.6; 16.2; 17.1; 17.2; 17.3; and 17.4.

The applicants own a 44 lot subdivision north of Concourse Road in the hamlet of Manorville. All of the lots are within the Core Preservation Area of the Central Pine Barrens as defined in the Long Island Pine Barrens Protection Act of 1993. In addition, the lots are within Groundwater Management Zone III, as established by the Suffolk County Department of Health Services. A subdivision map was filed in 1926 and created the lots of approximately one-half acre each. Roads were mapped for the subdivision, but were not developed. Terrence Meyer owns one lot, Bernard Meyer owns 21 lots and Expressway 60 Patent, a partnership, owns 22 lots. Both Terrence Meyer and Bernard Meyer are partners in Expressway 60 Patent.

Seven lots with frontage on Concourse Road were allocated one Pine Barrens Credit per lot pursuant to Section 6.7.7.6 of the *Central Pine Barrens Comprehensive Land Use Plan (the Plan)*. The interior 37 lots with no frontages on existing improved roads were allocated 0.10 Pine Barrens Credit per lot pursuant to the minimum allocation formula of the *Plan*. Bernard Meyer owns 18 of these lots. Expressway 60 Patent owns 19 interior lots. The applicants argue that each of the 37 interior lots is "single and separate" as defined in the Brookhaven Town Code and therefore each lot is entitled to one (1) Pine Barrens Credit. The applicants did not appeal the allocation of one (1) Pine Barrens Credit to the seven lots with frontage on Concourse Road.

The Town of Brookhaven Code contains a single and separate provision. The record contains a letter from an Assistant Town Attorney of the Town of Brookhaven explaining the administrative procedure created by the Town Code for determining whether a lot is "single and separate." In order to establish that a lot is single and separate the Town Attorney's office must perform a single and separate search and then confirm the results. This procedure was not followed by the applicants.

The New York Court of Appeals in *Khan v. Zoning Board of Appeals of the Village of Irvington* stated that a single and separate clause contained in a zoning ordinance does not exempt a parcel so defined from other ordinances implemented for resource protection purposes. (639

Pine Barrens Credit Clearinghouse

Page Two

Bernard Meyer and Expressway 60 Patent Appeal

N.Y.S. 2d 302). Assuming arguendo that applicants could prove that their lots are single and separate under the Town Code, under the holding of *Khan* no special rights are created for purposes of the Long Island Pine Barrens Protection Act of 1993.

In addition to the Town's regulations, Article 6 of the Suffolk County Sanitary Code "Realty Subdivisions, Developments and Other Construction Projects" may affect the development of a lot. These regulations require that development of any lot less than 40,000 square feet in size in Groundwater Management Zone III must have a community sewage system and a community water system. However, the regulations do not apply to "density requirements for one-family residences on parcels which appeared as separately assessed on the Suffolk County Tax Map as of January 1, 1981, which presently constitutes a buildable parcel under applicable municipal zoning ordinances and which met the Department requirements in effect on January 1, 1981. *No automatic waiver of these requirements of this Article shall be granted where five (5) or more of such parcels are owned by a developer.*" (Suffolk County Sanitary Code §760-609(B)(5)). A developer is defined as:

any person or group of persons, or any legally cognizable entity or entities or any combination of the foregoing, who:

1. is undertaking or participating in the establishment of a realty subdivision or other construction project:
 - a. either individually, or
 - b. pursuant to a common scheme, plan or venture

(Suffolk County Sanitary Code §760-601(F)).

Indicia of a common scheme or venture include the fact that the 44 lot subdivision was owned by two brothers and a partnership in which the brothers were partners. The applicants were represented by the same attorney. A history of conveyances of the lots among the same individuals exists in what appears to be an attempt to establish single and separate status. Applicants did not prove that they would be exempt from the Article 6 of the Sanitary Code. The Clearinghouse finds that the applicants would be a developer under Article 6 and there would be no automatic waiver of the Article 6 requirements.

In evaluating the arguments raised on appeal by the applicant's attorney, the Clearinghouse determines that the unique features of the 37 lots are their proximity to an existing improved road, their ability to be developed in an economically justifiable manner and the nature of the applicant's holdings. The Clearinghouse finds while the 37 lots are not immediately adjacent to an existing road, they are proximate to parcels that are immediately adjacent. For this reason, the Clearinghouse believes that the development of the 37 lots would be economically sustainable. Economies of scale could be created because the applicants own or control the 44 lots of the subdivision. Infrastructure improvement costs could be distributed among the 44 lots

Pine Barrens Credit Clearinghouse

Page Three

Bernard Meyer and Expressway 60 Patent Appeal

allowing the applicants to recoup these costs as the lots were sold. This development scenario varies significantly from the cost of developing a single lot or a small number of lots that are a greater distance from an improved road. In those instances, the entire cost of the infrastructure improvement would be borne by the individual lot or a small number of lots.

For the foregoing reasons, the allocation to the 37 lots is increased from 0.10 Pine Barrens Credits per lot to 0.4 Pine Barrens Credits per lot for a total allocation of 21.8 Pine Barrens Credits for the 44 lot subdivision. The allocation of 0.4 Pine Barrens Credit per lot reflects the fact that the lots are back from an existing road. This allocation results in a total rated sewage flow that is slightly less than if the subdivision was built pursuant to Article 6.

