FREDERICK E. WOOD

Real Estate Consultant and Appraiser
426 KANE AVENUE, EAST PATCHOGUE, NEW YORK 11772
[516] 447-2750

January 18, 1996

Meyer, Meyer & Metli 28 Manor Road Smithtown, New York 11787

Attn: Terrence Meyer, Esq.

Re: Appeal of Expressway 60
Patent & Bernard Meyer
Allocation of Pine Barrens Credits

Dear Mr. Meyer,

In accordance with the instructions of your attorney, Mr. Phillip Sanderman, Esq., I have completed an analysis of the above affected parcels with regard to their gross potential value (1) as unimproved lots (2) as if fully improved, assuming in both cases, in the absence of the Long Island Pine Barrens Protection Act.

The subject parcels consist of thirty seven (37) single and separately owned parcels, each with a frontage of one hundred thirty-two (132) feet on unimproved mapped roads, and containing approximately $.5\pm$ acres of lot area. The property is wooded and generally level in terrain. Ignoring the provisions of the Long Island Pine Barrens Protection Act, each parcel constitutes a valid single and separate building plot and would be entitled to building permits without the necessity of variances from the Town of Brookhaven.

The subject parcels are located on unimproved mapped roads known as Maxwell Avenue, Faraday Avenue, and Hertz Avenue, each having a 50 foot wide right-of-way meeting the minimum width requirements of the Town of Brookhaven Planning Department and Highway Department. At the date of my inspection, no evidence of road improvement was noted. The combined unimproved road frontages totals approximately $3,200\pm$ feet to provide access to Mill Road, the closest improved road lying $80\pm$ feet to the south.

A search was conducted for vacant land sales data within the Manorville area. The raw data obtained are contained in Enclosure I covering the time period from late 1991 to 1995. As can be seen, the data reflects individual lot sales, complete filed subdivisions as well as raw acreage, both with and without paved roads.

(1) Gross Potential Value as Unimproved Plots

For my analysis, I will first consider the gross potential value of the 37 parcels as unimproved building plots. A review was made of the sales data contained in Enclosure 1, selecting from these data those sales that reflect underlying unimproved subdivision maps as summarized below. Further analysis was made of each sale to determine the actual plot yield and hence, the indicated value of a building plot on an unimproved map.

(a) SCTM# 0200 - 58900 - 0200 - 001000 ...

Purchased 12/31/91 subject to map approval for 7 building plots (Gem Estates)
\$210,000 or \$30,000 Per Plot

(b) SCTM# 0200 - 59100 - 0300 - 015002

Purchased 5/24/93 as "Map of Evergreen at Manorville" (35 lots) \$892,500 or \$25,500 Per Plot

- (c) SCTM# 0200 59200 0200 008007 thru 008036 Purchased 11/30/92 as "Map of Fairways Lake", Section 1 \$991,000 or \$33,000 Per Plot
- (d) SCTM# 0200 67700 0100 025000 Purchased 6/26/92 as Map of Jerusalem Hollow Estates, 14 plots \$420,000 or \$30,000 Per Plot

In each of the above sales transactions, the yield of the subdivision was based upon A Residence 1 zoning which required a minimum plot area of 40,000 square feet while the subject parcels are smaller (21,400 \pm sq.ft.). Based upon my experience, the smaller lots would lose approximately 20% in value compared to a 40,000 square foot plot, yielding a unit value of

\$30,000/Lot X .80 = \$24,000 Per Lot

An estimate of the Gross Potential Value of the property unimproved is obtained as follows:

37 Lots 0 \$24,000 Per Plot = \$888,000.

(2) Gross Potential Value as Market Ready Plots

For this analysis, I will consider the gross potential value of the 37 parcels, as if, improved market ready building plots. A review of the sales data contained in Enclosure 1, revealed a large number of market ready building plot sales on improved streets. Selecting sales of smaller plots most similar to the subject parcels indicates a value range from \$45,000 to \$50,000 per market ready plot. It is my opinion that the value of the subject parcel would lie at the lower range of value because of its remote location and proximity to the existing LILCO power transmission lines and the LIRR right-of-way to the north. I have concluded therefore, that a market ready building plot, if improved, would have a value of \$45,000.

An estimate of gross potential value may be obtained as follows:

37 Plots @ \$45,000 Per Plot = \$1,665,000.

(3) Estimated Costs of Improvement

Current Town of Brookhaven subdivision requirements include asphalt paved roads, concrete curbs and aprons, storm water drainage, street lighting, grading and seeding of shoulders, street signs, street and lot monuments. In addition, application fees, recreation fees, performance bonds, legal fees, engineering and surveying fees are necessary to complete the subdivision. Ignoring the developers soft costs (overhead and profit, financing and carrying charges), an expense of approximately \$150 per linear foot of road improvement would be experienced. Developers soft costs would generally range from 20 to 25% additional. For a smaller project, such as 37 plots, soft costs of 25% would be expected. Applying these development costs estimates to the actual road length to be improved yields:

3,200 Feet 0 \$150 Per Ft. X 1.25 = \$600,000.

or \$16,200 Per Plot

SUMMARY

The subject property comprises 37 unimproved, single and separate building plots located on unimproved mapped roads and within the Core Protection Area of the Central Pine Barrens. An analysis was made of the subject property, ignoring the effect of the L.I. Pine Barrens Act. The purpose of this analysis was to prepare an estimate of the gross potential value of the property (1) as unimproved lots and (2) as if fully improved and market ready. An estimate was also made of the probable development costs to bring the property to a market ready condition. The results of my analyses are summarized as follows:

Gross Potential Value (37 Lots)

As Unimproved

As if Market Ready \$1,665,000.

Estimated Development Costs \$ 600,000.

It should be noted that the foregoing analysis is not an appraisal of the subject property under its current limitations and was prepared at the request of Phillip Sanderman, Esq., only to assist in the matter of Pine Barrens Credits. Should you have any questions regarding my analysis, please do not hesitate to contact me.

Respectfully submitted,

Frederick E. Wood

888,000.

FEW/1w

Enclosure

QUALIFICATIONS

The following information is presented as evidence attesting to the professional competence of FREDERICK E. WOOD, principal author of this report.

FREDERICK E. WOOD, a real estate appraiser and licensed real estate broker, has been actively engaged in the valuation of real property for the past twenty three (23) years, during which time has appraised all types of properties located in New York State, with an aggregate value in excess of Appraisal assignments have included five hundred million dollars. residential, commercial and industrial properties with appraisement for investment, financing, condemnation, certiorari, estate, resale, fire insurance, etc. purposes. Mr. Wood has also lectured on real estate appraisal practice at various real estate academies and professional associations.

By Administrative Order dated June 7, 1982, Mr. Wood was appointed as small claims hearing officer for assessment matters by the Supreme Court, Tenth Judicial District, Suffolk County. Mr. Wood is also currently certified as a HUD/FHA fee appraiser for residential properties, has been tested and accepted by the New York State Dept. of Transportation as qualified to perform appraisals for condemnation purposes and is accepted by other Federal, New York State and County agencies for appraisal purposes. The Incorporated Village of Patchogue appointed Mr. Wood as Sole Assessor in 1995.

In addition to his real property appraisal qualifications, he is a Licensed Professional Engineer in the State of New York, heading his own consulting firm engaged in cost surveys, technical valuations, land planning, building design, inspection services, as well as many other related areas.

He is qualified as an Expert Witness for court testimony in matters pertaining to the valuation of real property and fields of engineering, and has testified in local, county and state courts in the State of New York.

EDUCATION

Rensselaer Polytechnic Institute - Bachelor of Science, 1954

Adelphi University

1965 - Master of Science,

Completion of various courses, seminars and lectures on Real Estate Appraising sponsored by various colleges, universities, and appraisal societies.

PROFESSIONAL AFFILIATIONS

Member:

New York State Society of Professional Engineers

Member:

National Society of Professional Engineers

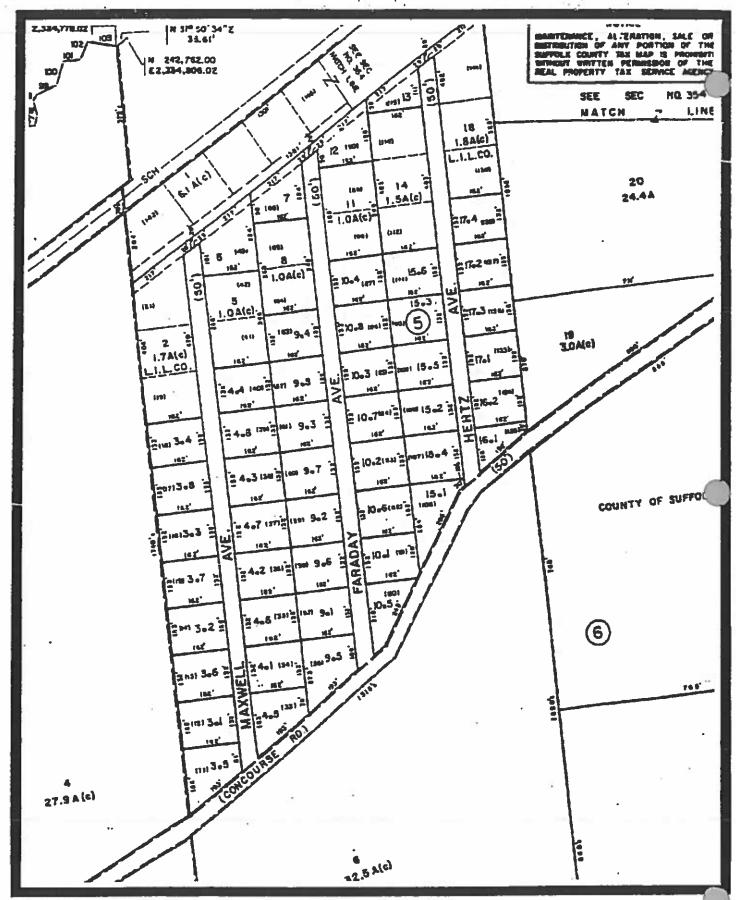
DESIGNATIONS

Real Estate General Appraiser: N.Y.S. License #46000006445

Professional Engineer : N.Y.S. License #42377

Real Estate Broker

: N.Y.S. License #451835



MANORVILLE SALES ACTIVITY

0200-35500-0200-003000 Pru 0200-35500-0400-004001 Joh 0200-35500-0400-004001 Ahm 0200-35500-0400-004000 Ahm 0200-41100-0100-002003 Glu 0200-41100-0200-023000 Glu 0200-41100-0300-004000 Suf 41100-0100-0300-004000 Suf 41100-0400-003003 Cou 0200-41200-0100-001001 Bla 0200-41200-0100-001001 Bla	Prudenti, John County of Suffolk John Lavalle Ref. Ahmad, Basher Trustee Ahmad, Basher Trustee Martz, Theodore Adkins, Gary &w							
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	rtz, meodare cins, Gary &w	145 Ryerson Dr	164.00	0		11739-052	41,000	127
		461 Nostrand Ave.	264.00	0	Doe run	11627-989	66,000	127
	Passaro,George &w Glubiak,Hester	Central Islip, NY 11722 No# Mill Rd.	300.00	0	1.06Acres Nill Rd.	04/30/93	75,000	311 H26
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	Suff. Manorville Assoc.	Center Dr.	0.0 0.0	0	S. River Rd.	11717-641	0	#26 25
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SELLER/ DISTRICT-TAX MAP NO/

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A.B. Assocs.

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P.O. BOX 721, BELLPORT, N.Y. 11713 (516) 447-2750

VOL 95 NO COPYRIGHT 1995 BY SUFFOLK RESEARCH SERVICE
BUYERS ADDRESS TRANS TX ASHD HTG PROPE 262 Woodycrest Dr. Holtsville, NY 11742 263 Woodycrest Dr. Holtsville, NY 11742 No# Farm Rd. South

Bauer Avenue Bauer Ave. .91Acres Bauer Ave. PLOT SIZE .92Acres 218.00

1.01Acres

11/13/92

PROPERTY LOCATION

VACANT LAND SALES ACTIVITY TOWN OF MANDRVILLE DEED DATE 11589-21 11/13/92 \$408992 LIBER-PG

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Patchogue, NY 11772

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KKCS Manorville Corp.

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Pt.Jeff. Hampton 15.70Acres

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20,000

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.92Acres

8 clare ct. .84Acres

11327-594 11637-547

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Medford, NY 11763 3356 Rt. 112 Center Drive

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11699-629

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Riverhead, NY 11901

Riverhead, NY 11901

Center Or. Center Dr.

3 Ridge Drive

30.00Acres 18.60Acres

11721-923 11563-518

08/28/91

04/11/95

Wading River Rd. 18.60Acres

L16-26, B4, M495

220.00

New York, NY 10004

26 Broadway

Manorville Devel. Corp Bushell,Theodore (REF) Brookhaven Rlty. Corp.

Bruno, Dominic &ano

county of Suffolk Mitschele, Herbert

Dietz, Theodore

County of Suffolk

145 Ryerson Ave.

85 × 55

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Halsey Manor Rd. 195x410

Pioneer Place

9600.00

2,400,000

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Halsey Manor Rd.

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E. Moriches, NY 11940 Manorville, NY 11949

Shoreham. NY 11786

45 Inlet View Path

Manorville, NY 11949

70G Barnes Rd.

People's Choice Contract Suffolk Carney, Mark Croce, Edward &w

09/30/92 04/22/93 Carmody St. 100x100 Ryerson Ave Benson St. .69Acres 80×100 80.00

11716-629

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50,000

SUFFOLK RESEARCH SERVICE P.O. BOX 721, BELLPORT, M.Y. 11713 DATE: 9/91 TO 9/95,1895 DISTRICT-TAX MAP NO/ SELLER/ BUYERS ADDRESS DISTRICT-TAX MAP NO/ SELLER/
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Ronkonkoma, NY 11779
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SUFFOLK RESEARCH SERV Date: 9/91 to 9/95 ,1995	DISTRICT-TAX MAP NO/

311 H26 H23 311 H23 H26 821 N27 311 \$\frac{1}{2}\frac{1}\frac{1}{2}\f 963 311 126 **92 727** INDICATO 65,000 63,000 68,000 68,000 5,500 1,000 20,000 62,000 3,000 50,000 50,000 02,500 o 112,500 630,000 281,000 940,500 TOWN OF MANORVILLE **VACANT LAND SALES ACTIVITY** 11481-44 04/30/92 11695-598 09/16/94 11729-218 11721-256 02/17/95 11721-259 02/17/95 12/28/94 11699-514 10/06/93 11718-506 03/04/95 11631-881 11622-997 03/03/93 05/31/95 11736-127 11726-632 05/15/95 11740-220 DEED DATE 11721-264 11418-399 11376-265 11558-553 11699-515 11699-508 11648-381 11735-734 11630-767 11710-804 11729-271 LIBER-PG 11709-73 08/18/94 08/18/94 08/18/94 07/25/95 07/21/95 05/12/92 01/17/94 05/20/93 11/12/91 10/08/92 02/06/92 <u>ئ</u> ن PROPERTY LOCATION Hot Water Street Hot Water Street 91x395 L11, Tall Oaks L10, Tall oaks 5 Evelyn Ct.+ 29 Evelyn Ct. woodland Ave. fall Oaks Ct. Hot Water St. 10 Evelyn Ct. Hot Water St. Hot Water St. 4 Nicole Ct. North Street CR 91 2.78Acres CR. 91 2.22Acres Bauer Ave. 5x1079 6 Larry Ct. Jeeks Ave. deeks Ave. 23Acres .14Acres Jeeks Ave. PLOT SIZE North St. 40x150 100xVar 175x230 North St 170x395 40x150 50xVar 73xvar P.O. BOX 721, BELLPORT, N.Y. 11713 (516) 447-2750 VOL 95 NO COPYRIGHT 1995 BY SUFFOLK RESEARCH SERVICE TRANS TX ASMD MTG 80808 410.00 22.00 6.9 0 80.00 12.00 200.002 1250.00 260.00 200.00 140.00 90808 252.00 272.00 648.00 2520.00 238.00 272.00 1124.00 3762.00 PM MTG Faraingville, NY 11738 Farmingville,NY 11738 29 Mayfield Dr. Mastic Beach, NY 11951 609 Blue Point Rd. Holtsville, NY 11742 126 Storm Drive Holtsville, NY 11742 29C Station Rd. Ronkonkoma, NY 11779 Dix Hills, NY 11746 56 Ballard Circle Holbrook, NY 11741 Manorville, NY 11949 Ronkonkona, NY 11779 5018 Express Dr. So. Ronkonkoma, NY 11779 4060 Sunrise Highway Oakdale, NY 11769 139 West Main St. Bay Shore, NY 11706 Riverhead, NY 11901 3233 Rt. 112 Medford, NY 11763 3233 Rt. 112 Medford, NY 11763 Bellport, NY 11713 122 Remington Ave. Selden, NY 11784 3233 Rt. 112 Medford, NY 11763 3233 Rt. 112 Medford, NY 11763 Hedford, NY 11763 3233 Rt. 112 Medford, NY 11763 548 Roanoke Ave. 44 Montauk St. Selden, NY 11784 289 Cherokee St. 123 Oakfield Ave 947 Old Town Rd. 18 Raymond Ave. Coram. NY 11727 BUYERS ADDRESS 73 Weeks Ave. 36 Flint Pl. 1233 Rt. 112 Park Ridge acountryManor Park Ridge aCountryManor Park Ridge a Country Han Manorville Hills Assocs. Hidden Ponds Devel.Corp. Park Ridge aCountryManor Shackowsky, Patricia L. Manorville Hills Assoc. Cjogs Assocs. Suff. Cnty. Water Auth. Dovale Enterprises Inc. 3HI Contractors, Corp. Manorville Hills Assoc. Breck Contracting Corp. Suff. Cnty. Nat. Bank ravelyn, Raymond Sano Vedgewood Homes Inc. Bongiorno, Gasper &w atmar Devel. Corp. foun of Brookhaven Town of Brookhaven Oliveri, Robert &w own of Brookhaven O'Brien, Frank &ano Tomas, Fernando &w Campo Brothers foun of Brookhaven Town of Brookhaven Town of Brookhaven Hesiano, John &ano County of Suffolk krvidsson, Jay &w Procopio, Pat Bors Procopio, Pat &ano Procopio, Pat Mano Hiltsey, Leonard Haage, James &w Brunner, Joseph Campo Brothers Campo Brothers Campo Brothers Carlson, Carol Dittmer, Henry Cjogs Assocs. Gubin, Jerold Munzel, John Brito, Jose Campo Bros. 56000-0600-000000 0200-50900-1200-003000 004,005,008,014,015+ 0200-50900-1200-012000 0200-51100-0700-002000 0200-55500-0200-026000 0200-55800-0200-008003 0200-55800-0200-008007 0200-55800-0200-008010 0200-55800-0300-006000 0200-55500-0200-016000 0200-55500-0200-035000 0200-55800-0200-008002 0200-55800-0200-008011 0200-50900-1000-045000 0200-50900-1100-000000 0200-50900-1200-018000 0200-50900-1200-039000 0200-51000-0200-005003 0200-51000-0200-005029 0200-51000-0200-005065 0200-51000-0300-001002 0200-55800-0200-006002 0200-50900-1000-044001 0200-51000-0300-001001 0200-55800-0100-010001 thru to 005066 005028,000000 008006-008008

SUFFOLK RESEARCH SERVICE DATE: 9/91 TO 9/95,1995 DISTRICT-TAX MAP NO/ S

N25 311 N25 311 N25 311 311 123 N25 311 N26 311 311 N26 330 N26 311 N26 N26 31 泛 **1**22 **22**2 **22** INDICATO 63,000 55,000 45,000 25,000 220,000 93,000 45,500 91,000 37,000 140,000 170,500 110,000 260,000 1,766,000 341,000 130,000 1,150,000 258,500 50,000 045,000 40,000 VACANT LAND SALES ACTIVITY
TOWN OF MANORVILLE PRICE 11471-318 04/03/92 11676-244 05/02/94 11386-125 11661-132 11743-211 11727-446 11728-545 11743-122 11690-542 11471-320 DEED DATE 11740-221 11703-759 11727-445 11714-668 11641-204 11577-453 11669-702 11690-493 11727-444 11693-857 11577-451 LIBER-PG 11443-50 11609-28 1651-95 03/09/94 12/13/91 11/10/94 33/23/92 28/30/95 08/17/93 39/22/92 32/06/92 08/11/94 11/17/94 12/31/92 09/22/95 05/01/95 05/12/95 06/01/95 08/23/95 0/07/93 77/21/94 04/03/92 02/01/95 34/29/87 PROPERTY LOCATION 6.25 ac 19 Rosewood Lane Wading River Rd. Silas Carter Rd. Mading River Rd Silas Carter Rd Gateway Lane Rosewood Lane 31xVar So. Manor Rd. 43.50acres Woodland Ave. **Heeks Avenue** South Street South Street S. Manor Rd. 15.00Acres 15.00Acres Surry Lanet Dayton Ave. Surry Lanet 1.03Acres 1.40acres .99Acres 92Acres L13, H9459 PLOT SIZE South St. South St. outh St. 162xVar 182xVar 117xvar 39xVar 5x559 COPYRIGHT 1995 BY SUFFOLK RESEARCH SERVICE (516) 447-2750 0 0 0 O 112000 ASMD HTG 815000 TRANS TX 586.00 160.00 0 1364.00 364.00 560.00 4600.00 252.00 0.0 9.0 220.00 180.00 100.00 3804.00 372.00 182.00 148.00 682.00 520.00 9.8 1040.00 880.00 0 3180.00 440.00 47 Sea Cliff Ave. Miller Place, NY 11764 405 Wading River HanorRd Huntington Sta., NY 11746 206A Wading River Annex 407 E. Main St. Pt. Jefferson, NY 11777 1405 William Floyd Pkwy Shirley, NY 11967 P.O. BOX 721, BELLPORT, N.Y. 11713
VOL 95 NO COPYRIGHT 1995 501 William Floyd Pkwy Shirley, NY 11967 P.O. Box 396 No. Shirley, NY 11967 5018 Express Dr. So. Southampton, NY 11968 Manorville, NY 11949 5018 Express Dr. So. Ronkonkoma, NY 11779 Manorville, NY 11949 Manorville, NY 11949 Ronkonkoma, NY 11779 Ronkonkoma, NY 11779 Manorville, NY 11949 Hanorville, NY 11949 Manorville, NY 11949 Ronkonkoma, NY 11779 Manorville, NY 11949 Manorville, NY 11949 3018 Express Dr. So. No# Wading River Rd. 5018 Express Dr. So. atchogue, NY 11772 136 Silas Carter Rd 143 Silas Center Rd Mt. Sinai, NY 11766 136 Silas Carter Rd 78 West Main St. Riverhead, NY 11901 205 So. Ocean Ave. 3233 Rt. 112 Hedford, NY 11763 Hedford, NY 11763 214 Crestwood Dr. 295 North Sea Rd. 34 Thorney Lane 98 Schultz Rd. BUYERS ADDRESS 500 clancy Rd. 5233 Rt. 112 BHI Contractors Corp. Stoneridge Contr.Int.Inc Suff. County Nat. Bank BrookfieldPresbyterianCh Suffolk County Nat. Bank Heller-Miller Rity. Corp Jarvic Development Corp. 3 Village Homes Pension 3 Village Homes Pension CMS Quality Devel. Corp Bilello, Salvatore & ano Bilello, Salvatore Bano Bilello, Salvatore Bano Lyndgal Buidling Corp. ark Cedarwood Assoc. Three Village Homes Carroll, Kevin &v Gazzio, Julia Bano Bank of the Hamptons Tony Kryshak Assoc. Hiller, Edwin (REF) Gates Assocs., Ltd. Balabanow,Victor &w Hunters Run Assocs. fown of Brookhaven Hunters Run Assocs Gates Assocs., Ltd Hunters Run Assocs Town of Brookhaven own of Brookhaven Gateway Manor Inc. Gateway Manor Inc. ropea, Joseph &w Sledge, William &w Carroll, Kevin &w Baranello, Dominic Carmel, Joyce &ano Raywat Homes Inc. Cossman, Gary &w daster Homes Inc. Raimondi, Rosalie Balabanow Corp. McBride, Donald Nuccio, Paul &w Dries, William Campo Brothers Lucania, Joseph Petrucci, Jean SELLER/ 0200-55800-0300-006000 0200-55800-0400-003010 0200-55800-0400-003018 0200-55800-0400-003019 0200-55900-0200-008002 0200-55900-0200-057003 50800-0100-022000 0200-55900-0200-057004 0200-55900-0300-008001 008002,008003,008004+ 0200-55900-0300-017001 0200-55900-0300-017001 0200-55900-0300-017002 0200-55900-0300-017005 0200-56000-0300-004002 0200-56000-0300-004044 0200-56000-0300-004045 3200-56000-0300-004074 0200-56000-0400-007013 0200-55900-0200-004003 0200-55900-0300-017001 0200-55900-0300-017001 0200-55900-0300-034001 0200-55900-0100-035001 0200-55900-0300-034001 0200-56000-0300-004001 004003,004005,004007+ thur 008014 OTHER LOTS

SUFFOLK RESEARCH SERVICE DATE: 9/91 TO 9/95,1995 DISTRICT-TAX MAP NO/ OTHER LOTS

PROPERTY LOCATION NO COPYRIGHT 1995 BY SUFFOLK RESEARCH SERVICE BUYERS ADDRESS TRANS TV AND TV P.O. BOX 721, BELLPORT, N.Y. 11713 VOL 95 NO COPYRIGHT 1995

70.00 0 70.00 70.00 900 7448.00 000.00 8.0 9.0 840.00 264.00 264.00 262.00 94.00 0.00 700.00 9.0 324.00 260.00 5704.00 160.00 PM MTG Center Moriches, NY 11934 1029 William Floyd Hwy Shirley, NY 11967 No# No. Country Rd. Wading River, NY 11792 32 Glen Dr. Sound Beach, NY 11789 Manorville, NY 11949 Hanorville, NY 11949 Ronkonkoma, NY 11779 306 East 96th St. New York, NY 10128 2 Orchard Neck Rd. 500 old country Rd. Medford, NY 11763 3233 Rt. 112 Hedford, NY 11763 Hedford, NY 11763 Hedford, NY 11763 Hedford, NY 11763 11784 11784 Selden, NY 11784 Garden City, NY 3233 Rt. 112 35 Mohican St. 76 Heron St. Long Beach, NY 500 Clancy Rd. 42 College Rd 5233 Rt. 112 \$233 Rt. 112 5233 Rt. 112 42 College F Selden, NY 1 42 College Selden, NY 42 College College clancy Rd. 42 College Selden, NY Selden, NY Douglas Lane Devel. Corp People's Choice Contract eople's Choice Contract 'eople's Choice Contract People's Choice Contract Park Ridge @ CountryMano Wisniewski,Glenn &w beople's Choice Contract S.E.H. Development Corp. ouglas Lake Devel.Corp. So. Manor Estates Corp. So. Manor Estates Corp. So. Manor Estates Corp. South Manor Ests. Corp. Sunset Construction Co. Dovale,William Beau Bres Realty Assoc. Moriches Assoc. Realty Spinner, Jeffrey (REF) Balabanow Corporation Gold View Properties Steel, Christopher Bw Archway Group Corp. Town of Brookhaven rown of Brookhaven Town of Brookhaven Sunview Homes Ltd. Town of Brookhaven Kastron Properties Fisher, Harold Bano Gurello, Michael Bw Town of Brookhaven fown of Brookhaven Procopio, Pat &ano Procopio, Pat &ors **Christine Nicholl** Zollo, Zoe (REF) Solomon, Maureen Breskel Assoc. Fisher, Robert Fisher, Harold 0200-56100-0100-009004 56100-0100-016000+ 0200-58900-0100-013000 0200-58900-0100-028000 0200-58900-0200-001000 0200-58900-0200-004003 0200-58900-0200-004005 0200-58900-0200-004008 0200-58900-0200-004009 0200-58900-0100-030000 0200-58900-0200-000000 0200-58900-0200-000000 0200-58900-0200-004002 0200-56000-0400-007014 0200-56000-0400-013006 0200-56000-0600-000000 0200-56000-0600-005000 0200-58900-0200-004001 0200-56000-0400-009009 0200-56000-0400-009022 0200-56000-0400-013005 0200-56100-0100-004011

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N24 311 N24 311 N24 311 N24 311 N24 311 N26 311 N24 311 N24 311 311 311 CODE 311 426 72 **7**56 **%**2 **% N**26 INDICATO 23,500 99,000 96,000 17,500 17,500 17,500 99,000 52,500 81,000 65,000 175,000 250,000 210,000 000,00 1,426,000 1,862,000 VACANT LAND SALES ACTIVITY
TOUN OF MANORVILLE 06/18/92 11618-730 02/04/93 03/02/95 11397-318 11/25/94 11716-809 11336-431 01/16/92 11728-532 11564-580 02/03/92 11422-23 02/11/92 DEED DATE 11721-265 11721-266 11711-469 11706-560 11419-535 11506-477 11693-858 11407-257 11424-263 11728-91 11408-281 11417-396 11354-57 11417-35 LIBER-PG 11417-37 01/28/92 32/14/92 10/12/92 11/09/94 32/11/92 01/28/92 32/17/95 26/20/90 2/31/91 22/11/92 08/17/94 12/06/91 02/17/95 15 Victoria Lane 7 Victoria Lane 11 Douglas Lane Douglas Lane 8 Douglas Lane Douglas Lane 3 Douglas Lane 5 Douglas Lane 1 Douglas Lane Joodland Ave. 53 Evelyn Ct. Joodland Ave doodland Rd. Clancy Rd. 17.34acres Moriches Rd. Moriches Rd Clancy Rd.+ 10.00Acres 1.30Acres 4.22Acres .92Acres Putter Ct. Bauer Ave. leeks Ave. Jeeks Ave. Heeks Ave. .92Acres 92Acres .92Acres .92Acres Bauer Ave. 182×1200 .92Acres .92Acres PLOT SIZE L14, H9459 159xVar 539xVar 30×432 30x433 25x298 5x363 210.00 264.00 264.00 Moriches, NY 11940 45 Inlet View Path 11784 Selden, NY 42 College college Selden, NY Selden, People's Choice Contract People's Choice Contract People's Choice Contract So. Manor Estates Corp. South Manor Ests. Corp. People's Choice Cont. Corso, Philip &v

85 31 31 N24 311 N24 311 N24 311 N24 82 × 83 32,32 N24 INDICATD 000'09 65,000 10,000 101,500 96,000 59,500 60,000 32,000 44,000 44,000 99,000 57,000 13,000 25,000 51,000 000'09 36,000 70,000 30,000 73,500 55,000 VACANT LAND SALES ACTIVITY
TOWN OF MANORVILLE PRICE 08/24/93 . 11466-465 .05/08/92 r 11657-477 12/13/93 11/27/92 11690-662 08/03/94 06/29/95 11537-563 04/07/94 11693-251 06/18/92 11397-556 11642-289 11355-248 11454-128 11375-418 11618-290 11639-442 11676-133 11696-759 Rd. 11357-107 DEED DATE 11585-183 11732-281 11658-771 06/18/92 11494-13 11505-72 06/18/92 LIBER-PG 11676-35 05/06/94 05/12/92 04/14/92 04/19/94 11/12/91 09/01/92 26/20/60 01/28/93 06/28/93 08/56/94 09/21/94 10/08/91 11/19/91 요. Moriches WadingRiver 휸 Jerusalem Hollow PROPERTY LOCATION Mor Wading River 1.20Acres Jerusalem Hollow 1.04Acres 23 Victoria Lane 18 Victoria Lane 12 Victoria Lane 19 Victoria Lane Silas Carter Rd. 236x340 Wading River Rd. 핃 2 교 Silas Carter Rd Dayton Avenue Woodland Ave. 218x230 Silas Carter Silar Carter Dayton Ave. 1.10Acres Woodland Rd. Woodland Ave. Silas Carter Dayton Ave. 220x543 Joodland Rd Dayton Ave. Dayton Ave. 5.00Acres .92Acres .92Acres PLOT SIZE .93Acres daria Ct. 240xVar 206x531 180xVar 176xVar 136xVar 221xVar 222x588 180×493 21xVar 87xVar P.O. BOX 721, BELLPORT, M.Y. 11713 (516) 447-2750
VOL 95 NO COPYRIGHT 1995 BY SUFFOLK RESEARCH SERVICE
BUYERS ADDRESS TRANS TX ASMD MTG PROPI o 0 0 260.00 294.00 220.00 48000 238.00 128.00 176.00 262.00 0 264.00 228.00 0 52.00 0.00 44.00 280.00 120.00 9.0 240.00 40.00 406.00 384.00 240.00 500.00 204.00 240.00 0 0 E. Patchogue, NY 11772 E. Patchogue, NY 11772 Mastic Beach, NY 11951 Manorville, NY 11949 Manorville, NY 11949 Manorville, NY 11949 Great Neck, NY 11021 46 Madison St. Manorville, NY 11949 Hanorville, NY 11949 Manorville, NY 11949 Manorville, NY 11949 New York, NY 10038 947 Americus Ave. New York, NY 10013 756 Amsterdam Ave. Moriches, NY 11955 65 Wright Ave. Malverne, NY 11565 42 College Rd. Selden, NY 11784 42 College Rd. Selden, NY 11784 Shirley, NY 11967 Selden, NY 11784 390 West Shore Ct Hastic, NY 11950 9-2 Woods Circle Mastic, NY 11952 23 Floradora Dr. Long Beach, NY 1650 Powers Ave. 127 Dayton Ave. 125 Dayton Ave. 69 Pinewood Dr. 947 old Town Rd. Coram, NY 11727 104 Dayton Ave. 73 Dana Avenue 76th Heron St. 42 College Rd. i-19 Greenway 70 John Lane 8 Pearce Pl. 568 Broadway Dayton Ave. Main St. Keung & Cheng Devel.Corp Keung & Cheng Devel.Corp Bd.of Ed./South ManorSch Keung & Cheng Devel.Corp Sakowski, Thomas &ano Robert Sakowski Enterprs People's Choice Contract People's Choice Contrct. ⋛ So. Manor Estates Corp. So. Manor Estates Corp. South Manor Ests. Corp. South Manor Ests. Corp. .Q. Organization Ltd eople's Choice Cont. J.Q. Organization Ltd P & M Development of DeAngelis, Vincent &w Amerbach, Mitchell &w Harino, Hichael (REF) Ramacca, Providence egend Homes Inc. County of Suffolk Horris, Mary Ellen Clements, John &w Sabellichi, Carlo Baldelli, Alan &w Brennan, Patricia Lehmann, Gunther Jeon, Charles &w Solomon, Maureen Quinones, Maria Redman, Frances Dovale, William Orlando, Tracey Handel, Alan &w Rocco, Jennifer collins, Edwin Collins, Edwin Klein, Charles Dovale, Thomas Dosiak, Linda Clarke, Henry Cheng, Kasing Clarke, Henry earo, Agnes Dosiak, Linda cheng, Kasing SELLER/ SUFFOLK RESEARCH SERVICE DATE: 9/91 TO 9/95,1995 0200-58900-0200-023006 0200-58900-0200-026000 0200-59000-0300-001002 0200-59000-0300-001003 0200-59000-0300-014002 0200-59000-0300-029002 0200-59000-0300-029002 0200-59000-0300-032002 0200-59000-0300-032005 0200-59100-0200-002000 0200-59100-0200-002000 p/o 0200-58900-0200-004020 0200-58900-0300-013005 0200-58900-0300-017001 0200-58900-0300-017002 0200-59000-0300-029002 0200-58900-0200-004022 0200-58900-0200-004023 0200-58900-0200-018005 0200-58900-0200-022004 0200-58900-0200-022005 0200-58900-0200-004026 0200-58900-0200-015002 0200-58900-0200-013001 DISTRICT-TAX MAP NO/ 59000-0300-032002 OTHER LOTS 032002

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S ACTIVITY MANORVILLE	INDICATO PRICE	70,000		264,000	0	Y.	62,500		58,000	6	26,000	62,000	•	58,000	437,000	3,47	62,000		90,000	000	20,000	59,000	. ,	2,000	٥		. 68,000		62,500	75,000		79,000	57.000		0	ď:	52,000	0	
VACANT LAND SALES ACTIVITY TOWN OF MANORVILI	LIBER-PG DEED DATE	11726-728	05/17/95	17676-697			11705-623	11/23/94	11681-676	06/02/94	1027-33	11661-578	01/18/94	11664-207	11520,228	11/05/92	11669-398	03/15/94	11682-284	00/08/94	10/25/93	11681-675	06/02/94	11640-368	08/04/93 11422-136	01/20/92	11538-193	09/08/92	11692-437 08/29/94	11697-432	09/29/94	11730-179	11633-825	06/08/93	11670-321	01/14/94	11578-534	09/28/92	7.16.77.
VACANT LA	LOCATION	Hollow Rd.	7	HOLLOW KG.	Hot low Rd.						10			28						3)					Hot Low Rd.		Hollow Rd.	_	2	문		2	Blvd.				Blvd.	77	
00	PROPERTY LOCATION PLOT SIZE	Jerusalem	2.50Acres	Jerusalem Hollow	Jerusalem Hollow	5.439Acres	Green Ct.	.69Acres	Green Ct.	.69Acres	13,87201	Lot 4, M9261	•	L5, H9261	PACON 54 44 A1	FD, 11, 13,	Hickory Lane	.69Acres	Hickory Lane	. OYACLES	LI1, 1720I	Green Ct.	.69Acres	Freeman Lane	407xVar Jerusalen	113xVar	Jerusalem	171xVar	Jerusalem Hollow	Jerusalem Hollow	1.41Acres	Jerusalem Hollow	442 Chapman	. 89Acres	442 Chapman Blvd	28xVar	438 Chapman	. ByAcres	
	ASHD MTG	0	(>	0	1	0	•	0	•	•	0		0	•	•	0		0	c	>	0		0	a		0		0	0		0	0	ì	0		0	c	
(516) 447.27 BY SUFFOLK RESEARCH	TRANS TX PM MTG	280.00	0 0	00.9cnL	0.00	0	250.00		232.00	223	00.262 0	248.00	0	232.00	20 707	3.0	248.00	0	240.00	23.0	97.7C7	236.00	0	20.00 20.00	0 0	0	272.00		250.00	300.00	0	316.00	228.00		0.00	0	208.00	۰ و و	
BELLPORT, N.Y. 11713 COPYRIGHT 1995	BUYERS ADDRESS	155 Bellport Ave.	Medford, NY 11763	1546 4/th St. Brooklyn, NY 11219	205 South Ocean Ave.	Patchogue, NY 11772	309 Ocean Ave.	Massapequa Pk.,NY 11762		Mastic Beach, NY 11951	Coram NY 11727	2 Handavi Lane	Setauket, NY 11733	2	Mastic Beach, NT 11931	Coram, NY 11727	9 Village Drive	Medford, NY 11763	No# Main St.	Ridge, NY 11971	Astic. NY 11950	29 Hayfield Dr.	Mastic Beach, NY 11951	120 Bethpage Rd.	Hicksville, NY 17801 3233 Rt. 112	Hedford, NY 11763	66 Chichester Ave.	Center Moriches, NY11934	29 Mayfield Dr. Maetic Beach, NY 11951	Barnes Rd.	Moriches, NY 11955	6 Cedars Ave.	1344 William Flood Pkev		3233 Rt. 112	Hedford, NY 11763	120 Fourth	Bay Shore, NY 11706	
•	SELLER/ BUYER	Kinaswitz, Pauline	Zysk, Robert &w	Hickmann, Charles (REF) Congregation Voidislaver	Mahfar Sina Bano	Town of Brookhaven	Absi Assocs.	Giorgetti, Edward &w		P & M Development of NY	Absi Assocs. Old Tous Assocs. Inc.	ABSI Assocs.	0 & J Homes Inc.		F & H Development of NI	Absi Assocs. Old Town Assocs Inc.	Absi Assocs.	D & J Homes Inc.	•	No. American Rity. Group	Absi Assocs., Inc. Stevens Thomas Ru	Absi Assocs.	P & M Development of NY	Joseph Kohn Land Co	Cojule Inc. Cunha John Ru	Town of Brookhaven	Mercep, Nancy	Lettieri, Thomas	Mercep, Nancy	Mercep, John &w	Jurgielewicz Duck Farm	Nercep, John	Koemer, Joseph sw Casalini Andrew Rors	North Ray Corp.	North Ray Corp.	Town of Brookhaven	90	CV Dare Development Corp	
SUFFOLK RESEARCH SERVICE DATE: 9/91 TO 9/95 ,1995	DISTRICT-TAX MAP NO/ OTHER LOTS	0200-59100-0200-003000		0200-59100-0200-005000	0200-59100-0200-006000	p/o	0200-59100-0200-006001		0200-59100-0200-006002		0200-39100-0200-00003	0200-59100-0200-006004		0200-59100-0200-006005	200200 0000 0000 0000	6.7.67700-0600-005000	0200-59100-0200-006008		0200-59100-0200-006009	400000000000000000000000000000000000000	0200-59100-0200-006011	0200-59100-0200-006012		0200-59100-0200-011000	59100-0200-012000	מבסה היותה מבסה הבוותה	0200-59100-0200-023004		0200-59100-0200-023006	0200-59100-0200-023007		0200-59100-0200-023008	10070-0020-00100-0070		0200-59100-0200-024001	b/o	0200-59100-0200-024002		

SELLER/ SUFFOLK RESEARCH SERVICE DATE: 9/91 TO 9/95,1995 DISTRICT-TAX MAP NO/ S OTHER LOTS

INDICATO 3,500 55,000 58,000 225,000 104,000 57,500 57,500 27,000 62,000 57,500 62,000 58,000 63,000 52,000 52,000 52,000 52,000 000,09 11575-114 18,451,000 11/19/92 5,400,000 892,500 VACANT LAND SALES ACTIVITY TOUN OF MANDRVILLE 03/11/94 11669-395 03/21/94 11710-800 01/02/94 11725-329 11429-359 05/24/93 Rd 11631-896 10/08/93 11720-427 11651-780 11460-555 11391-430 11668-532 Rd 11631-278 1665-162 Rd 11543-403 11431-543 11471-322 DEED DATE 11569-376 11648-867 11668-533 4 Jerusalem HollowRd 11424-417 .89Acres 11394-498 11399-453 11392-384 LIBER-PG 08/11/92 32/26/92 03/11/94 02/28/95 04/17/92 11/01/93 12/02/92 10/13/92 03/22/94 01/04/95 12/05/91 12/05/91 2/05/91 fanorville Branch Manorville Branch Manorville Branch PROPERTY LOCATION Hanor Hills Dr 23 carol Ave. Sateway Lane+ Evergreen Dr. Evergreen Dr. 3 Hampton Ct. 4 Hampton Ct. chapman Blvd. chapman Blvd. Evergreen Dr Phyllis ct. .93Acres 6 Hampton Ct. 5 Hampton Ct Hampton Ct 41.50Acres L9,13,H935B 5.35Acres .92Acres L20, H9358 .92Acres .92Acres L18, M9358 L17, H9358 L18, M9358 .92Acres .89Acres L15, M9358 PLOT SIZE .92Acres 145×207 145×207 COPYRIGHT 1995 BY SUFFOLK RESEARCH SERVICE (516) 447-2750 o 0 0 0 0 0 TRANS TX ASHD HTG 14.00 248.00 248.00 232.00 8.0 232.00 900.00 230.00 220.00 230.00 230.00 108.00 0 208.00 208.00 208.00 240.00 208.00 8.8 416.00 0 73804.00 21600.00 3570.00 0 208.00 P.O. BOX 721, BELLPORT, N.Y. 11713 Mastic Beach, NY 11951 36 Main Sail Dr. Mastic Beach, NY 11951 Mastic Beach, NY 11951 Newport Beach Blvd. E. Horiches, NY 11940 29 Mayfield Dr. Manorville, NY 11949 Manorville, NY 11949 Ronkonkoma, NY 11779 Bay Shore, NY 11706 120 Fourth Ave. Bay Shore, NY 11706 11 Equestrian Way Manorville, NY 11949 205 So. Ocean Ave. Patchogue, NY 11772 5 Smith Point Brookhaven, NY 11719 Manorville, NY 11949 Patchogue, NY 11772 5018 Express Or. so. atchogue, NY 11772 120 Fourth Ave. Bay Shore, NY 11706 5550 SW Macadam Ave. Shore, NY 11706 Bay Shore, NY 11706 Moriches, NY 11955 205 So. Ocean Ave. Shirley, NY 11967 5 Smith Point Shirley, NY 11967 Portland, Orgeon No# Chapman Blvd. No# Montauk Hwy. 120 Fourth Ave. Bay Shore, NY 117 120 Fourth Ave. 933 old Town Rd. Coram, NY 11727 29 Mayfield Dr. Fourth Ave. No# Fourth St. 500 clancy Rd. **BUYERS ADDRESS** 500 clancy Rd. 5 Phyllis ct. Hadley, NY Hain St. 20 Pt. Woods Development Co Manorville Gateway Corp. CV Dare Development Corp Casalini, Andrew Eors CV Dare Development Corp Malcolm Devel agreenwood Malcolm Development Ell-cap 91 Greenwood Vil Nationvide Assocs., Inc. C.V. Dare DevelopmentCor ⋛ 높 ≥ Manorville Hunters Run Greenwood Vill. Assoc. Japa Enterprises Ltd. P & M Development of ō P & M Development of Casalini, Andrew &ors Casalini, Andrew Bors Casalini, Andrew Bors Casalini,Andrew &ano Procopio, David &ano Advantage Homes Inc. ony Kryshak Assocs. Quintiliani, Nunzio Cy Dare Development ony Kryshak Assoc. Fisher, Harold &ano Fisher, Harold &ano own of Brookhaven own of Brookhaven Procopio,David P & M Development County of Suffolk Mackle, Vincent &w Santinon, Lawrence Brody, Rita &ors Brody, Rita &ors Procepio, David Procopio, David Hornung, Judith Filosa,Michael Fisher, Harold Fisher, Harold Fisher, Harold Fisher, Harold Fisher, Harold **AcHanus, Hary** Carlo, Rose 0200-59100-0600-001000 56000-0300-004065+ 0200-59100-0300-015040 0200-59100-0300-015019 0200-59100-0300-015033 0200-59100-0500-009000 0200-59100-0500-030000 0200-59100-0200-025002 25.3,25.4,25.6,25.5 0200-59100-0300-015002 0200-59100-0300-015004 0200-59100-0300-015013 0200-59100-0300-015022 0200-59100-0300-015022 0200-59100-0300-022002 0200-59100-0400-038000 0200-59100-0200-024006 0200-59100-0200-024012 0200-59100-0200-024014 0200-59100-0200-024015 0200-59100-0200-025002 0200-59100-0300-015021 0200-59100-0300-015024 0200-59100-0300-015027 0200-59100-0200-024007 0200-59100-0200-024008 025003,025004,025005 59100-0300-0152017

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SUFFOLK RESEARCH SERVICE DATE: 9/91 TO 9/95,1995 DISTRICT-TAX MAP NO/

0200-59200-0100-040000

OTHER LOTS

0200-59200-0100-040000

0200-59200-0200-006002 0200-59200-0200-008001 0200-59200-0200-008001 0200-59200-0200-008004

Joyt, Bruce

SELLER/

0200-59200-0200-008007 to thru 008036 0200-59200-0200-008037 thru to 008063

0200-59200-0300-069000

0200-59200-0400-001004

0200-59200-0200-011000

0200-59200-0400-001009

0200-59200-0400-001011

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0200-59200-0400-001014 0200-59200-0400-001015 0200-59200-0400-001016

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PINE BARRENS

CREDIT CLEARINGHOUSE

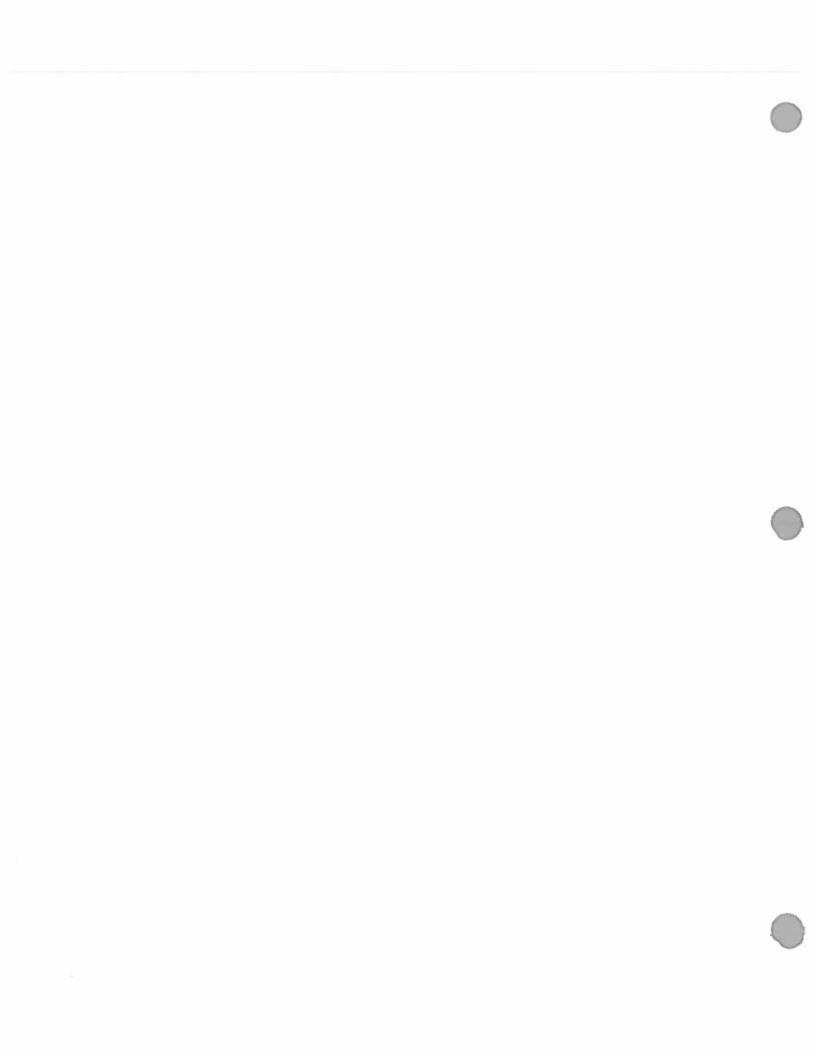
In the Matter of the Public Hearing on the Appeals of BERNARD MEYER and EXPRESSWAY 60 PATENT.

3525 Sunrise Highway Great River, New York 11739

February 28, 1996 3:30 p.m.

PUBLIC HEARING

* * * *



APPEARANCES:

BOARD OF ADVISORS

JAMES TRIPP - Chairman

JACK HANLEY - Member

ALAN GRECCO - Member

ROBERT DUFFY - Member

MITCHELL PALLY - Member

RAY CORWIN - Executive Director

JOHN MILAZZO- Attorney

TIMOTHY HOPKINS- Attorney

BARBARA WIPLUSH- Town of Brookhaven

JAMES RIGANO- General Counsel

DORIS ROTH- General Counsel

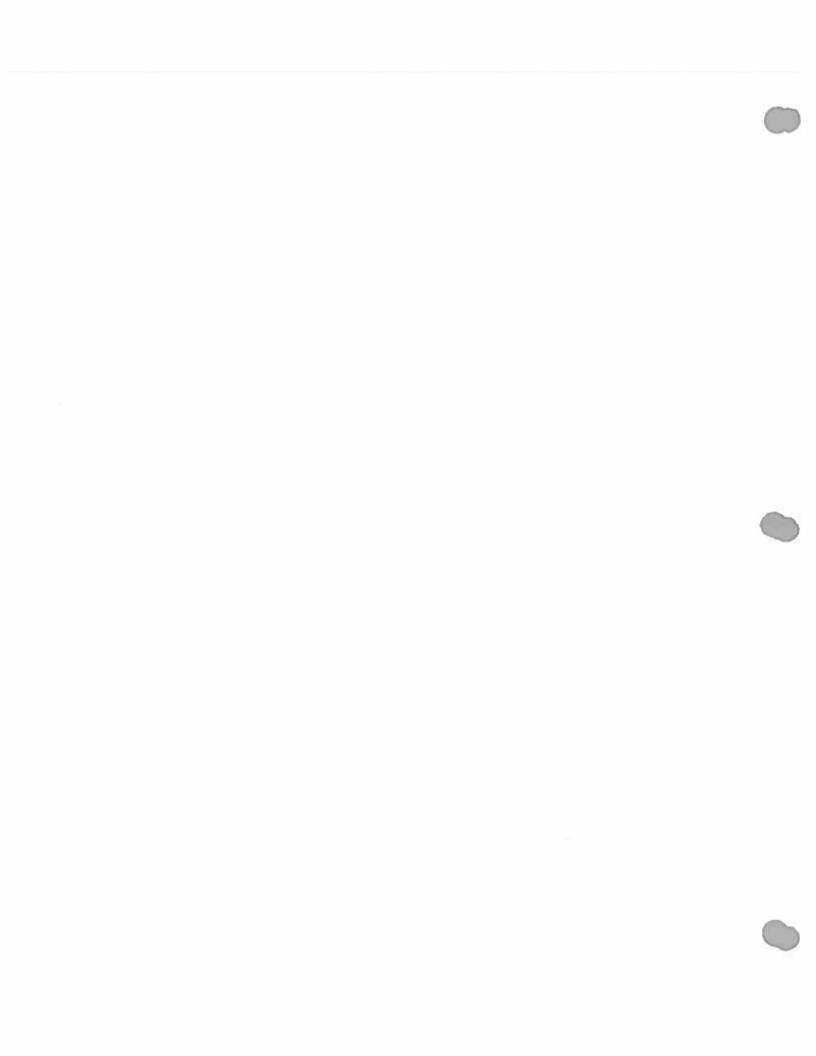
ALSO PRESENT: ___

LORRAINE TREZZA

DONNA PLUNKETT

PHILIP SANDERMAN

TERENCE MEYER

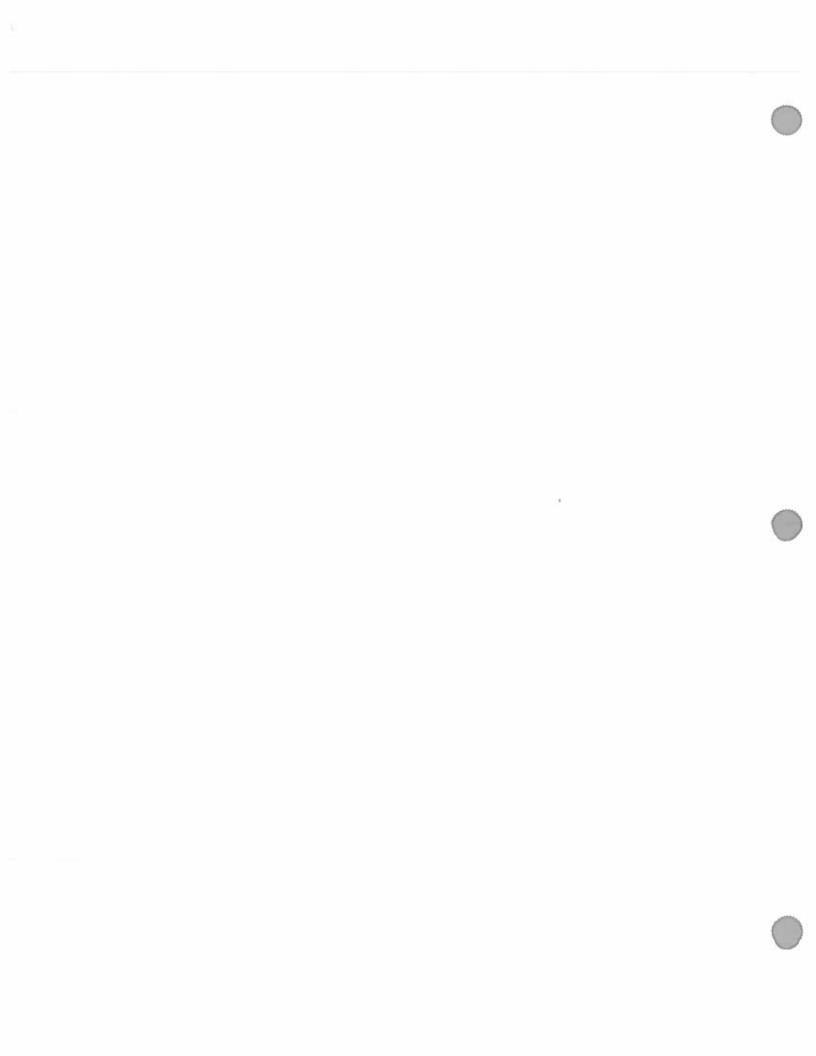


MR. TRIPP: The notice of public hearing. Notice has been sent out that a public hearing will be held by us today to consider the appeals of persons allegedly agreed by the application of Pine Barrens credits contained in the Letter of Interpretation. We are hearing this appeal pursuant to Section 6.7.3.4 of the Central Pine Barrens Comprehensive Land Use Plan.

At this hearing we will hear two appeals. The first appeal is of Bernard Meyer who is appealing the Pine Barrens credit allocation contained in 18 Letters of Interpretation issued to him on December 26, 1995.

The second appeal is of

Expressway 60 Patent, a partnership
that is appealing the allocation
contained in 19 Letters of
Interpretation issued to the
partnership on December 26, 1995.



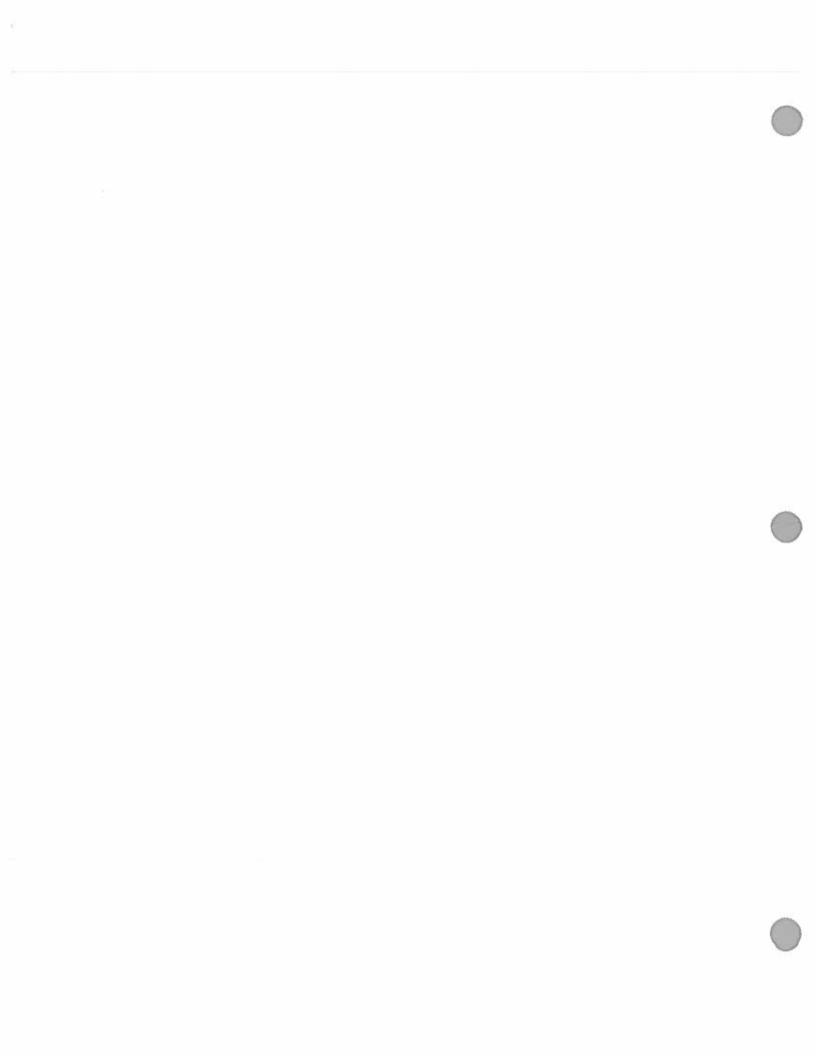
So, we are now ready to commence this hearing and Alan Grecco, I believe you wish to make a statement.

MR. GRECCO: Yes, thank you.

I have just been appointed to this
Board and I wanted to disclose for
the Board that in the past I have
had business dealings with Mr.
Sanderman, none with Mr. Meyer
directly. However, it's mentioned
here that Pierlits Abstract
Corporation (phonetic) had done
separate searches. That is my
corporation. If any of the members
of the Board or the applicants wish
to have me recused from this
hearing, I will do so.

Other than that, I would prefer to remain on the Board for this hearing.

MR. TRIPP: Anyone have any comments about that? I think we can assume that you can serve.



MR. SANDERMAN: We have no objections.

MR. TRIPP: One other thing before we start, you're entitled to a decision within sixty days. I believe the sixty days is up on March 25th.

MR. SANDERMAN: 23rd.

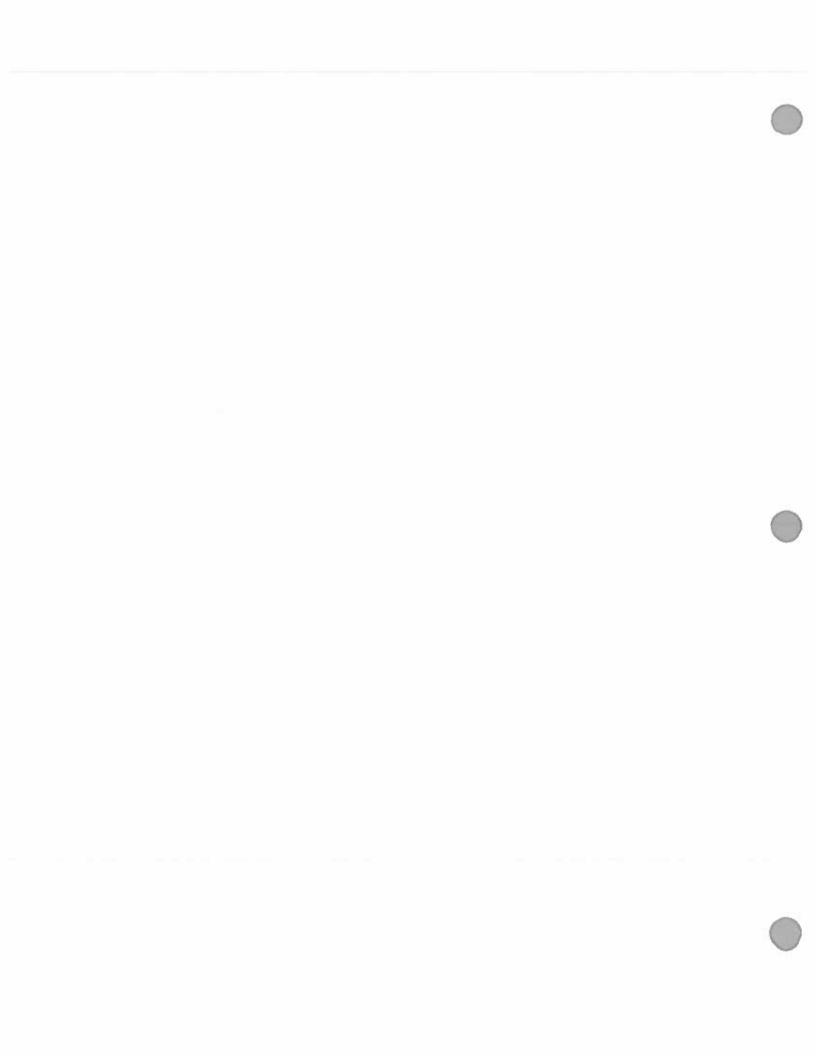
MR. TRIPP: Our next regularly scheduled meeting is on the 26th. It could be March 20th, but we have lots of things to do on March 20th. Are you agreeable to extending the deadline to March 26th?

MR. SANDERMAN: Do you want to twist my arm? Of course, no problem.

MR. CORWIN: Just a recommendation, if you want to do that normally we must have a vote for clarity, a resolution --

MR. TRIPP: Affirming.

MR. CORWIN: -- that the



decision deadline is now March 26
instead of the 20th.

MR. TRIPP: We need a vote.

MS. PLUNKETT: A resolution

to accept the extension.

MR. TRIPP: We need a vote to accept Mr. Sanderman's request.

MR. CORWIN: Essentially, yes.

MR. TRIPP: With the agreement of Mr. Sanderman it is resolved that the deadline for making a decision in this matter extended until March 26.

Is there a second to that motion?

MR. PALLY: Second.

MR. TRIPP: Is there a

favor?

MR. HANLEY: Aye.

MR. DUFFY: Aye.

MR. TRIPP: The procedure, I think is to let you make a presentation and I think we are

going to hear from the staff.

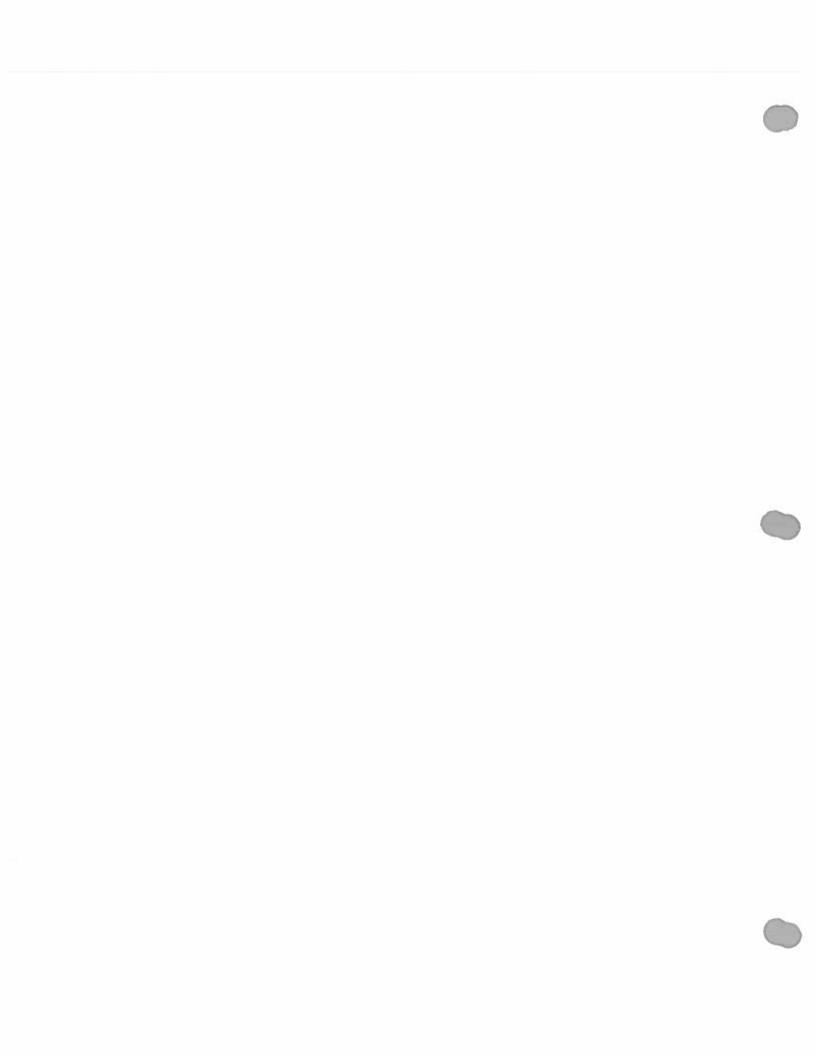
MR. MILAZZO: I think we will here from the staff and give that to the stenographer and make a record.

MR. TRIPP: You may want to respond here or you will sort of agree at a time.

MR. SANDERMAN: For the record, I am Philip Sanderman. I am the attorney for the applicants and my address is 1770 Motor Parkway, Hauppauge.

This matter consists -- it's actually the property is located in Manorville and it consists of a total, although we are here for an appeal of interpretation concerning 37 lots, there is a total of 44 lots here which average roughly a half-acre in size all on an old filed map.

We have previously applied to the Clearinghouse for Letters of



Interpretation, and as a result of that, seven lots that front on Concourse Road or Mill Road, North Street -- it runs into different names as it weaves through this area -- were each given a full Pine Barrens credit. So there is no appeal concerning those 7 parcels. That leaves us with 37 that we applied for.

What I have are copies of the Suffolk County tax map with this outlined in.

You could just pass this around (Handing).

What I have done is, we have outlined the lots which my clients own in a checkerboard of ownership. The lots along the improved road, which is indicated as Concourse Road with the checks, are the ones that have each received a full Pine Barrens credit.

The lots to the rear of us, behind the heavy line that I have outlined, are all owned by Lilco and are part of their high tension wire right-of-way. We are basically surrounded. I think pretty much all the land around us is owned by Suffolk County.

There is very little

development out there. It is all

forested and really quite nice.

It's right up against the

Brookhaven/Riverhead Town border.

My clients have owned this property in one form or another in checkerboarded fashion since prior to 1974, and it was always their intent to just hold this property and develop it in the future.

At one point there was an application to the Town, but then the recession in the mid eighties caused property owners to back out of the deal and my clients took

ownership of the site back.

At this time it would really -- we are trying to seek -- we feel that we are entitled to a full Pine Barrens credit for each of these half-acre lots.

MR. TRIPP: They are all half-acre?

MR. SANDERMAN: Yes, they are all single and separate, they are all half-acre. They average 132 feet of frontage on paper roads.

But they start right up against an improved road, so the cost of improving this road is really not very great when you amortize it over all the lots.

We submitted as a part of our petition and appraisal prepared by Fred Wood, who is both a Certified General Appraiser, as well as a Licensed Professional Engineer. In that appraisal he identified what the improvement costs per parcel

would be, what the market value was, and came up with a report.

I will just go over the summary on this. We are a business basing this just on the 37 lots which is the subject of this appeal. If unimproved, just the way they stand, we felt that the lots were worth \$808,000.00.

Market ready; that's with permits, with the roads paved, the Town specs, utility lines installed, we felt it was worth 1.665 mill. And he estimated the development costs at \$600,000.00. A market ready map is worth something more than raw lands plus improvements because of the factor of going through the year or two that it takes to process an application.

These estimated that the actual improvement costs were roughly \$16,200.00 per lot. Fully improved the lots were worth

roughly \$45,000.00 each.

That then leads me to why I am here. As some of you are aware and most of you are aware, I have been part of this process of developing the Long Island Pine Barrens Protection Act from inception, and I have been involved since it was enacted in several appeals. I think I have a fairly good background in what went on and what was intended. As the Act developed in Albany, one of the primary concerns of property owners was what was going to happen to the property in the core, protecting the property values.

Several places in the Act
there is reference to using it, to
develop a workable Transfer of
Development Rights Program,
something that would help ensure
and help maintain property values.
I sited the section in my

petition.

For example, 57-0119

Paragraph 6J, and I am referring to the Environmental Conservation Law which gave the Commission the power to establish regulation values and standards which may include a system of bonuses and incentives in order to purchase, sell, hold and trade Development Rights as defined in Paragraph A of subdivision 1 of section 261-A of the New York State Town Law.

In addition, Paragraph 6 of 57-30101, directed that the Land Use Plan identifies sending districts. I will just summarize it, but the purpose was to provide for the transfer of Development Rights and values to further the preservation and development goals of the Plan and methodologies and standards for proper equity and appropriate values in establishing

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rights and values consistent with -- again, it refers to 261-A of the New York State Town Law.

As you are aware, that provision of the New York State Town Law is the Transfer of Development Rights System that was sustained by the New York State legislature, I believe it was 91, I am not sure of the date. But --1989 was the date. But when I looked at that, and looked at the legislative intent of 261-A as stated in chapter 40, the laws of 1989, they clearly state, I have to read this for the record, "the legislature further find and declares that transfer of development rights utilizing the normal marketing land may provide just compensation to owners of property to be protected or preserved."

Again, when the Acts, and I

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have to go back to the -- I think
it is also in the Plan. Yes, this
is in the Plan, I state that it's
in the Act but that's a typo.
Section 6.1 of the Plan deals with
the purpose of the Pine Barrens
Credit Program and the quote is,
"it is a primary purpose of the
Pine Barrens Credit Program to
maintain value in lands designated
for preservation or protection
under the plan by providing for the
allocation and use of Pine Barrens
Credits."

Unfortunately, when the Plan was adopted it neglected single and separate lots. Many requests from different groups of, from trade groups, from property owners to come to grips with the single and separate lots head on. There are hundreds of them out there. Some of them maybe buildable and some are not buildable, but the Plan

just ignored that.

They stated with the holder of 37 lots that's the subject of this hearing. We applied to the Commission and we were allocated a total of 3.7 Pine Barrens Credits for 37 lots, which our appraiser puts at a value in excess of \$800,000.00. Even if he is off by a factor of 50 percent we are down to a \$400,000.00 value on this. It's just the award of those 3.7 Pine Barrens Credits is just worth taking. It's left us with no source of compensation.

We'd like very much to try to market the Pine Barrens Credits and be able to seek some compensation whether we get \$800,000.00, \$6,000.00. We don't know what they were going to market for and hopefully we can walk away with this with my clients' heads up high and recoup some investment gain on

it. But, where we are now is just left virtually with nothing.

The alternatives then, we have discussed alternatives are one, to litigate, and as you know that is never really a solution, it just drags things out for years and years.

Another alternative which we are thinking about and we may discuss with the Commission, we would be possibly coming in for a hardship relief; maybe developing 20, 21 lots on the parcel right along the existing road utilizing flag lots or small hots, half-acre and be able to dedicate half the property to the Commission. I don't know whether that is viable, whether you would want development in this area because it's totally surrounded by county owned land. But, it is an alternative. It is something which we would be willing



to discuss.

To show where we are on this, our tax bill on these parcels runs approximately \$12,000.00 a year.

Two tax grievances since the Pine Barrens Act has been enacted have been filed and have been denied.

Can't use the property and we are still paying \$12,000.00 a year in taxes.

I haven't guided through the equalization rate based on the tax, the assessed value, but I would estimate that the assessor is roughly saying that these parcels are worth \$400,000.00. The equalization rate for this year is 2.17 in the Town of Brookhaven. The standard way of determining value based on, for tax purposes is to guide the equalization rate into the total assessed value. But, as I said, we haven't added everything up. So that's roughly an estimate.

MR. TRIPP: Since this is a formal hearing, would it make sense, Phil, to mark your petition and attachment as Exhibit 1 and tax map as Exhibit 2?

MR. SANDERMAN: If you wish to handle it that way. I think there is also a copy of the tax map included with the appraisal which is part of the petition. But it's buried in there.

MR. MILAZZO: At the last meeting we gave you the complete copy of the petition. For this meeting I just took the process and the letter from Mr. Wood and also his qualifications.

MR. TRIPP: All we have to do is mark the petition, if you want that includes the tax map.

MR. SANDERMAN: Let's make that Exhibit 2, because this is the tax map I submitted and it is marked up to indicate the lots that

received the full Pine Barrens
Credit, and I do have the
boundaries of the overall parcel
delineated.

MR. TRIPP: We will then mark that Exhibit 2.

(A Petition, was marked as Exhibit 1 for identification, as of this date.)

(A Tax Map, was marked as Exhibit 2 for identification, as of this date.)

MR. TRIPP: Have you finished your presentation?

MR. SANDERMAN: I would just like to hold it open, any questions and a very brief summary.

MS. ROTH: Just a point of correction, that the appraisal that Mr. Sanderman refers to is attached to his petition in the form of a letter from Mr. Wood dated January 18, 1996.

MR. SANDERMAN: Correct, that

was included as part of the petition.

MR. MILAZZO: We are just going to submit to the record.

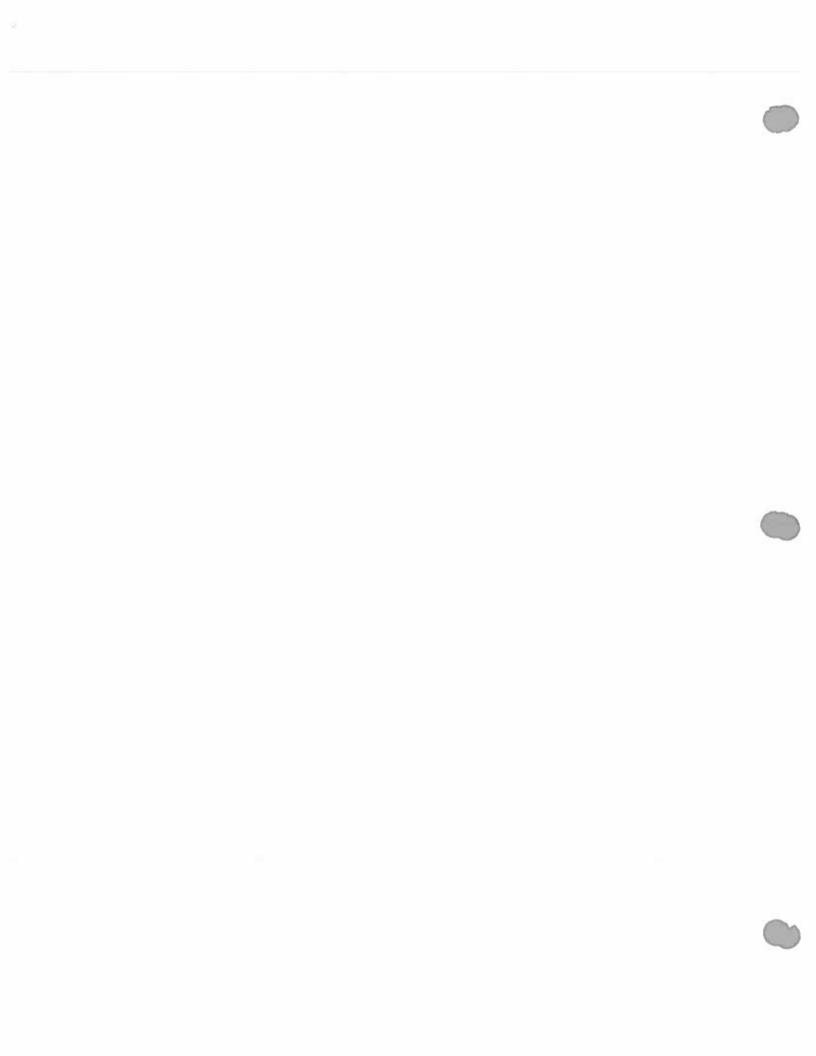
MR. TRIPP: Does anyone here right now have any questions of Mr. Sanderman, or should we wait until we hear from the staff?

MR. MILAZZO: We are going to give the staff report number 3, and number 4 will be a letter of the Town of Brookhaven Law Department. You have received a copy of the staff report in your binders and we are just putting that on the record.

(A Staff Report, was marked as Exhibit 3 for identification, as of this date.)

(A letter dated 2/27/96, was marked as Exhibit 4 for identification, as of this date.)

MR. HOPKINS: I could summarize for the record if the



members would be so moved.

MR. TRIPP: Yes.

The staff MR. HOPKINS: report, I will try to summarize it in simple terms, goes over the history of the parcels. And the first item that I would like to draw your attention to is the development of the parcels with respect to the Suffolk County Sanitary Code. The APGAN has stated they were all half-acre lots. However, under the Suffolk County Sanitary Code they could not, all of them could not be developed as half-acre lots because they would be subject to the restriction of Article 6 of the Suffolk County Sanitary Code which requires a minimum of 40,000 square feet per lot.

MR. TRIPP: Why does Article 6 apply?

MR. HOPKINS: Article 6

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applies because --

MR. TRIPP: I ask that question because I gather Mr. Sanderman argues that it doesn't apply.

MR. HOPKINS: Article 6
provides for stern compensations
including single and separate lots
as of 1981 or '82, I believe.

However, that exception does not
apply to lots that are a part of a
common plan or scheme. And the last
sentence of Article 6 points out
that there would be no automatic
waiver of the provisions of Article
6 to a scheme of developments such
as this, these checkerboarded lots
are currently held.

The second point I would like to make is I would like to reiterate the point of Counsel, that the applicant made reference to an appraisal, there is not an appraisal. It is a letter from an

appraiser.

I would like to point out
that that letter includes stern
estimated costs of improvements.
That letter did not include costs
associated with public water supply
infrastructure. If these lots were
clustered in half-acre lots there
would be a requirement for a public
water supply.

And I would point out that
the Suffolk County Water Authority
has adopted a policy against
extending water mains to the Core
Area of the Central Pine Barrens
area. So that if these lots were
to avail themselves of a public
water supply system, it would
require a development of a separate
water company or water supply
district.

Third, the applicant makes examples with respect to a fair return. However, the applicant has

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not submitted any documentation or evidence with respect to any investments that they have made in the land in question. All of which could be supplied, I suppose, by the applicant up to a subsequent date.

And a final point to be made, is that the applicant refers to these lots as single and separate lots. But Exhibit 4 which was submitted, reveals the fact that when you talk about single and separate you have to talk about it with respect to the Brookhaven Review Process for single and separate lots so that the fact that they may or may not be single and separate must be considered in light of Brookhaven's procedure. And the document from the Town Attorney's Office of Brookhaven details that proposition.

MR. TRIPP: I have a question

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about the Brookhaven Code 85-372.

Is that the section we are talking about?

Maybe, the question is basically this, that is, how and in what respects, I mean, Exhibit 4 sets forth a kind of procedure. And I will assume for present purposes that Mr. Sanderman and his clients could produce a survey and then original chain of title could do the things that are noted in Exhibit 4. Now maybe he can't, but let's assume for the present purposes he can. The question I have is: Is there an issue as to how the Town of Brookhaven would interpret it's own Code 85-372 in light of the adoption of the Central Pine Barrens Plan?

MR. HOPKINS: I'm not sure I can answer that question.

MR. TRIPP: Is that a question you can answer, Barbara?

Or, if you can't answer it today, would you help us provide an answer to that question.

MS. WIPLUSH: Would you please restate the question, please.

MR. TRIPP: Mr. Sanderman poses reference to specifically Section 9E, section 85-372. This is on page 3 of his petition he says of the development yield factor section of the Plan totally ignores section 85-372 which deals with single and separate. And the staff report does so, as well.

My question is: There is

85-327, but the Town has also

approved the Central Pine Barrens

Plan that, you know, says that this
is within the Core Area, that says
that Pine Barrens Credits are

supposed to be allocated based on

current money, that establishes the

kind of a limit based on the number

of credits to be issued to the Town, and so on. I guess my question is: What is the relationship between 85-372 and the Plan, they have both been adopted and Brookhaven has 35-372 instead of the Plan.

Mr. Sanderman has assumed that 85-372 has not been changed one iota, that as a result of the adoption of the Plan by the Commission of Brookhaven. Is that the case, is that Brookhaven's view for that matter or is it the Commissions view?

MR. HOPKINS: I just have one other point to make. The applicant stated that no consideration of single and separate at that time you say of parcels was given in the Plan, and I would argue that position to the extent that even as part of this applicant's original application they did get one full

credit for all those single and separate lots that were on the existing improved road. And that was the provision that was made in the Plan in light of those smaller single and separate parcels.

MR. TRIPP: Let me add, or you have heard, Phil, Tim Hopkins' claim that you are not automatically entitled to a waiver, an exemption under Article 6?

MR. SANDERMAN: Correct.

MR. TRIPP: Do you agree with that you are not automatically entitled to an exception under Article 6?

MR. SANDERMAN: There is scads of litigation which considers what constitutes a scheme or development, a plan. I am not going to concede that we are automatically or not automatically entitled to a waiver.

But, I think if we are

talking about protecting the value of a property, whether the property was developed as one-acre lots, we would have -- let's just address the 37, we would have 18 one-acre lots that would conform to Article 6. So, whether we have 18 valid building lots or 37 valid building lots, the appeal is to try to come up with something that will approximate consideration for my client.

MR. TRIPP: Okay.

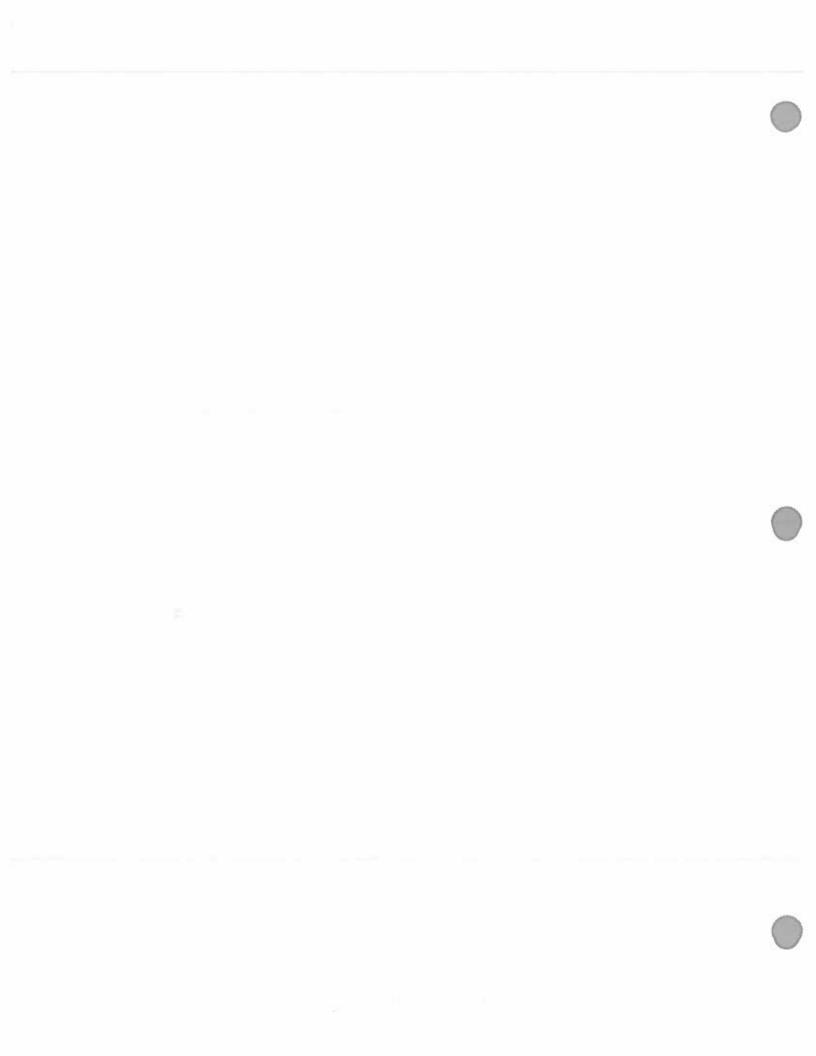
MR. SANDERMAN: There is nothing in the Plan that says we must first exhaust all of our remedies. I mean, if the Commission -- the Clearinghouse is going to take that position and make everyone that comes in here have to go to the Town, pay the \$40.00 per lot application fee, survey each parcel, 6, \$700.00 per survey, apply to the Planning Division for

a re-subdivision or a road improvement or whatever, they would call the application, apply to the Board of Health for approvals and go through that process. I would say this whole thing is a sham and why am I wasting my time here.

MR. TRIPP: I understand that. I am trying to understand your views as to the applicability to Article 6.

MR. SANDERMAN: I haven't litigated the Article 6 myself. I know there is a lot of litigation involved in it with the County, some has been successful and some has resulted in settlements and compromises.

Tim is right, there is a provision in there that does deal with single and separate lots and a common plan or scheme of development. To get an ultimate determination you are asking me how



we would do it. We would have to go through an appeal to the Board of Review and ultimately if they turned us down to the Courts.

MR. TRIPP: Other people I'm sure have questions, but let me just understand that. Dennis Moran is here too, so this question can be addressed to you, as well as Phil Sanderman.

Phil Sanderman makes this application to the Health

Department and or for the Board of Review and the question is: What happens with the Plan, the Plan says there is supposed to be no development, number one.

Two, the Plan says we don't want any morale, that is the whole reason we are trying to protect this area. It's keep pristine. What is the Health Department to do in light of the Plan that talks about keeping it current zoning and so

on? Does the Plan change? Anyway, what is the Department of Health or Board of Review supposed to do?

MR. SANDERMAN: I don't think it would. I think as a matter of law it would not. I think it was black-letter law. I could not use something that regulates property to the point of confiscation and let's face it, that's why we are here.

I think that is what we will be doing. I think the rules have to be interpreted whether or not blind as far as the Plan that holds through to the Town of Brookhaven's Section 85-372, as well as Article 6. I think those interpretations would have to be blind to the Plan and to the Act.

MR. TRIPP: Do you think, you have some idea how many, what you call single and separate lots are out there in the Town of

Brookhaven? I believe the town,
the DEIS came up with some
estimates as to what the codings
would be in Suffolk county if, in
fact, those lots were built under
"single and separate."

Do you think it is reasonable and fair for us to take the environmental impacts of a proposed building scheme into account and determine whether restrictions are fair and reasonable, i.e. noncomplistictory compared with a situation where there would not be such an environmental impact?

MR. SANDERMAN: I don't think for purposes much determining whether we were entitled to a full Pine Barrens Credit or for purpose if we were talking about negotiated sale of the property, I don't think that is a relevant factor.

MR. TRIPP: You do not think what some people call environmental

spillover affects an environmental impact outside are property affects that may affect other property relevant to this question?

MR. SANDERMAN: I think it is very relevant to the question of development of the property, that's why we are here and that is why the Act was passed. As far as maintaining the values of property which is a promise of the Act, values of properties would be maintained you have to be blind to those issues.

The purpose we are willing to gamble and try to go out and market Pine Barrens Credits. Our only alternatives, as I pointed out in the beginning, is to ask for development in here. I don't think there is anyone on the Commission that is going to vote in favor of an extraordinary hardship in this location or to bring an action in

Federal Court and seek damages, and we are trying to seek a way out.

MR. TRIPP: Anyone else any questions?

MR. GRECCO: I have some questions. Not having been here for the duration maybe I am being redundant, but assuming arguendo that these are, in fact, single and separate and you can produce sufficient evidence of this single and separateness character; what is the applicability of Article 6 of County Sanitary Code with respect to the 44 lots? Aren't the 44 lots notwithstanding the preexisting rights to build further restricted by Article 6?

MR. SANDERMAN: They may be, and that would be an issue which -- and again, in this environment as far as, I'm not talking physical environment, to the legislative environment, it would be difficult

at this time to get a determination.

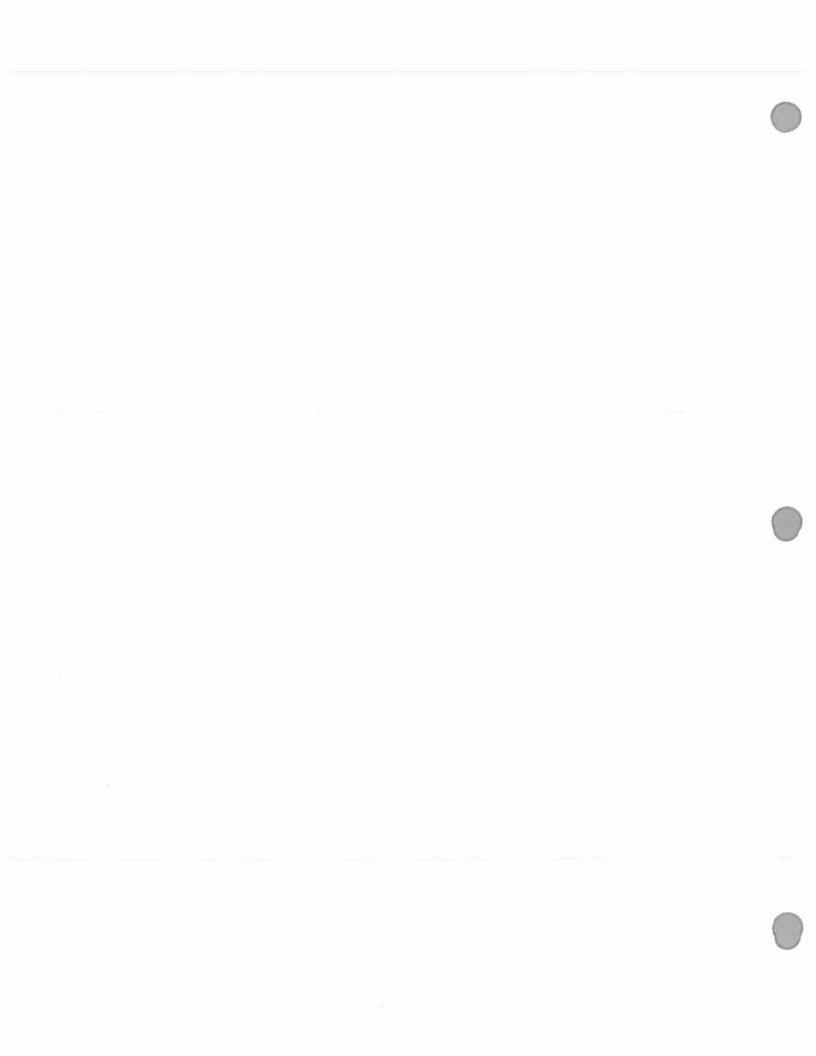
If the Plan was not here and we were seeking development of this property, we would certainly go to the Board of Review on that issue.

And with the number of lots at stake we would certainly bring in Article 78 if we thought the Department of Health Review voted against us.

We are in a different
environment here. I can't answer
you. If you are asking me to
concede that we are only entitled
to half a Pine Barrens Credit per
lot I can't do it. I can only look
at the zone that establishes our
rights to building lots.

MR. GRECCO: Can you comment on the, on how, assuming they have a right to build, how Article 6 may further restrict them?

MR. HOPKINS: I think, if you



wouldn't mind, I think Dennis Moran who is here from Suffolk County

Health Services will be able to comment more relevantly.

MR. GRECCO: There seems to be two issues, the single and separateness, whether you met the burden and notwithstanding that, the issue of Article 6. So, I would like to just hear a little more on Article 6 and how it would apply here.

MR. TRIPP: Dennis Moran.

MR. MORAN: Maybe I should clarify at what time the Health Department's position would be on Article 6. Prior to the enactment of the Pine Barrens Law, the way it stands is that if this is a development of more than five lots in common ownership it would fall under the requirements of Article 6. Meaning, that the overall density shall not exceed an overall

of 40,000 square foot lots.

But, I should also point out
that because of the passage of the
Pine Barrens Law and the
incorporation into Article 6 of the
recognition of Transfer of
Development Rights, we have adopted
the Pine Barrens Plan into the
transfer concept of Article 6. So
therefore, we would have to look at
if that is more restrictive, and
the restriction would be based on
what is in the Pine Barrens Plan.

We could not grant even

40,000 square foot lots. We would

have to utilize the tables that are

in the Pine Barrens allocation

formulas.

MR. SANDERMAN: Are you telling me, Dennis, that this parcel is in the Core?

MR. MORAN: That's correct, Phil.

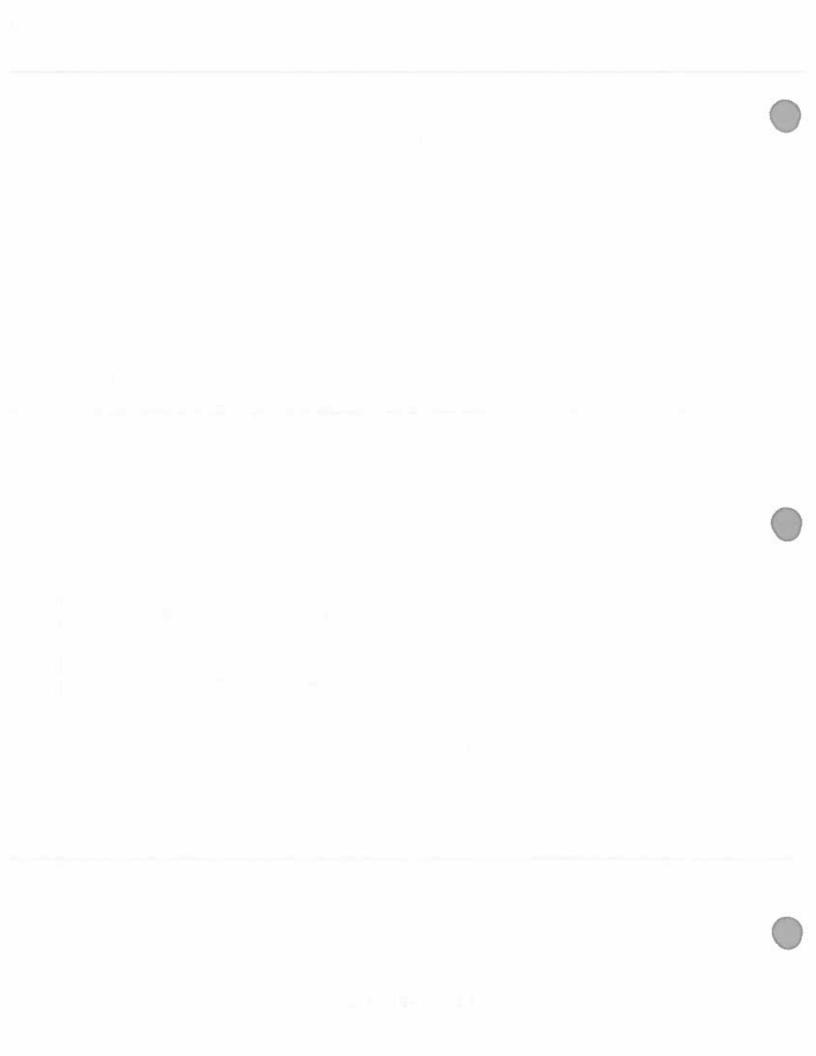
MR. SANDERMAN: We were

talking about allocating Pine
Barrens Credits to it for
transferring out, that the Health
Department would turn around and
say a lesser density for one unit
for 40,000 square feet would
apply?

MR. MORAN: What we have done is we have adopted the Transfer of Development Rights into Article 6 based upon a Plan, so we are accepting the Pine Barrens Plan so that would be the criteria that we would have to abide by. It's similar to if you came into the Health Department prior to Pine Barrens Plan and the Town had a restriction of two-acre zoning. The Health Department could not override that two-acre zoning.

MR. SANDERMAN: Correct.

MR. MORAN: This Plan takes precedence over Article 6 requirements of 40,000 square foot.



MR. SANDERMAN: I still don't understand this, because when I read the rules that came from the Health Department my impression was that the adoption of the table and chart that was within the Pine Barrens Plan was the Receiving Area chart, the table of acceptable densities and allowances within the receiving area. You weren't talking about -- the Health Department wasn't talking about the Sending Area, they were talking about how many credits to permit within a particular Receiving Area.

MR. MORAN: Yes, it does

cover the Receiving Areas, but if

you look at the standards those

criteria are predicated upon a plan

that looks at the overall impact on

the environment and that there is

not going to be an over-development.

That plan stands. I don't think

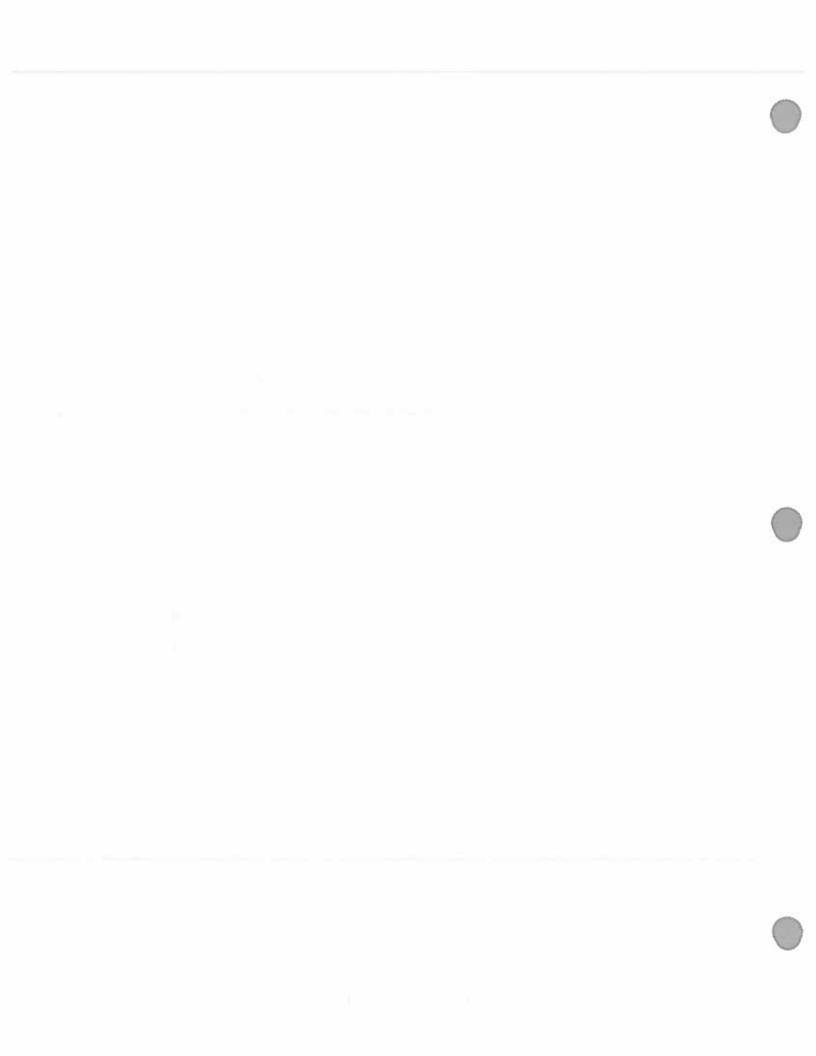
the Health Department could

override the densities.

MR. SANDERMAN: Then I don't know why we are here and not in Court. What I am hearing is you adopted a Plan, the Plan is now turning around and creating this planned environment which is now deluding what would have been permitted before the Plan.

MR. TRIPP: One change, one that is true. The second thing is one thing that the Plan does say that the kind of pollution of the ground water system that can be tolerated with septic systems on one-half-acre, maybe even on one-acre is not to be tolerated anymore.

MR. SANDERMAN: But that
doesn't impact my right to build on
property before the Plan was
enacted, and that's the property
right that we are here trying to
reserve. We are trying to offer a



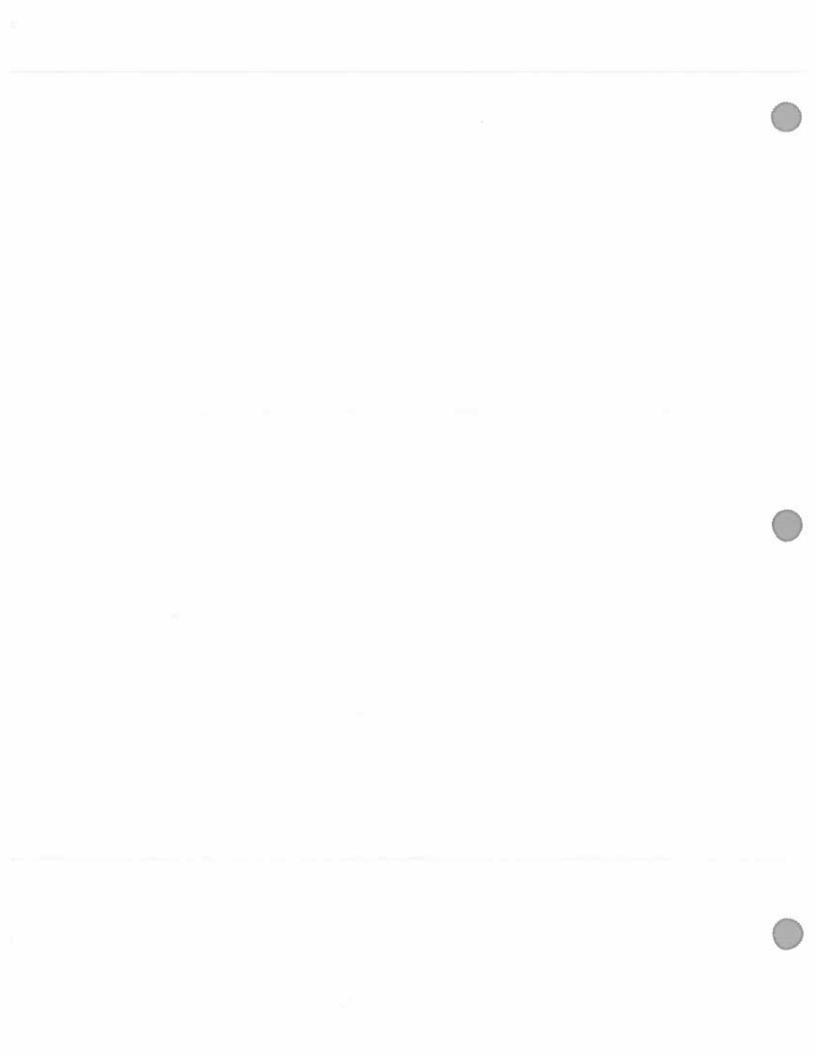
way out of litigation to the Commission.

MR. TRIPP: I understand that. It seems to me that it maybe fair for us to confer what restriction and what levels of pollution you think could be allowed, would mean in terms of how you could develop this property. And also, the cost of providing public water. If all these lots, all these single and separate lots as you call them, were developed with septic systems on the one hand or sewage treatment plants on the other. But let's assume, you can assume a septic system. What will that mean in terms of clean water to the people that would live there?

MR. SANDERMAN: Let me just make a hypothetical assumption. We will look at the overall parcel including the seven that we are

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awarded full credits. We are 44 single and separate half-acre lots, 22 acres. I could make an application absent the Pine Barrens Protection Act and the Plan and auditorium and everything that is in place. Tomorrow I would be able to make an application for 22 lots consisting of one-acre each.

I would not have to bring
public water under Suffolk County
Water Authority and Health
Department standards. The distance
to the nearest water line is
miles. Once you exceed a certain
distance, even with one-acre lots,
you don't have to put it in. So it
is, at worst case scenario, this
project is a developable project
with 22 lots.

We have been awarded a total of 10.5 development credits where there is a very weak market, if any. So, that's the worst case

scenario assuming these assumptions are correct about Health Department yield and Water Authority requirements.

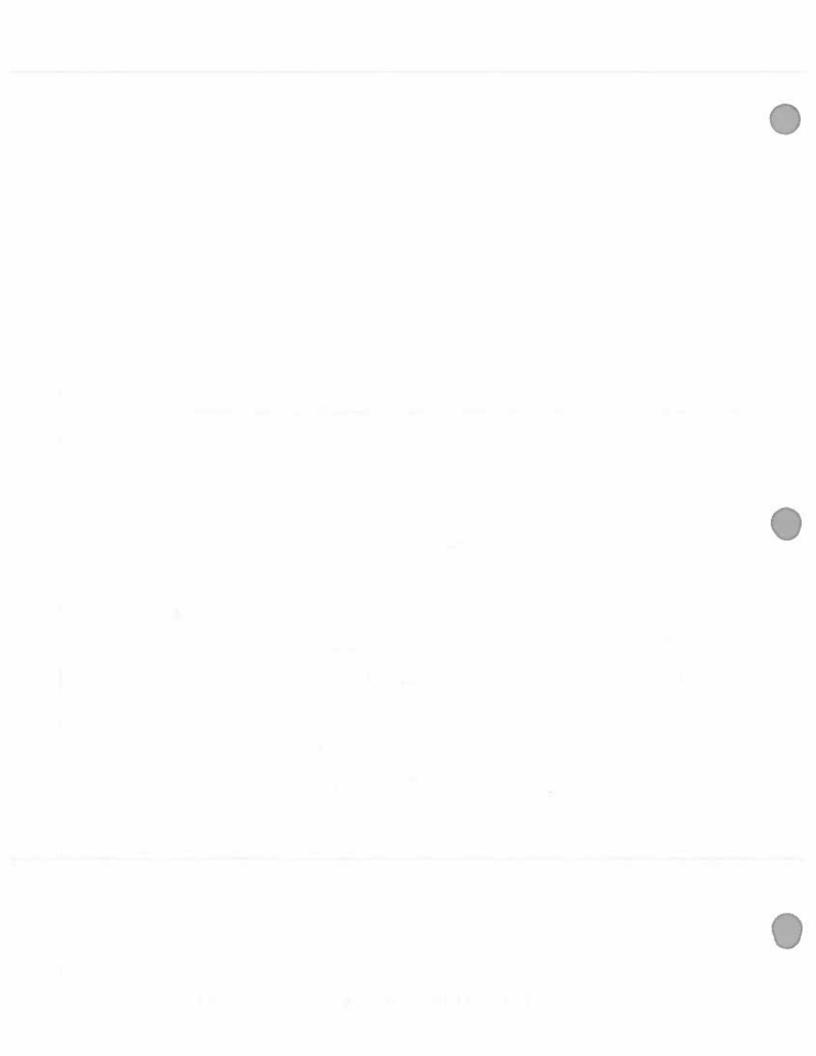
MR. TRIPP: There maybe questions or issues that we would want to look at in the next few days, certainly before we make the decision regarding Mr. Woods' letter. Is it clear from what he is saying, what the sales date is?

MR. HOPKINS: He listed a number of sales, and it's not clear whether it is all of them or some of them. It's not clear.

MR. SANDERMAN: If you have questions I could have Mr. Wood contact you directly and he could discuss it with you.

MR. TRIPP: Any other questions?

MR. PALLY: Is it possible, I don't know if you want to release it, but is it possible for us to



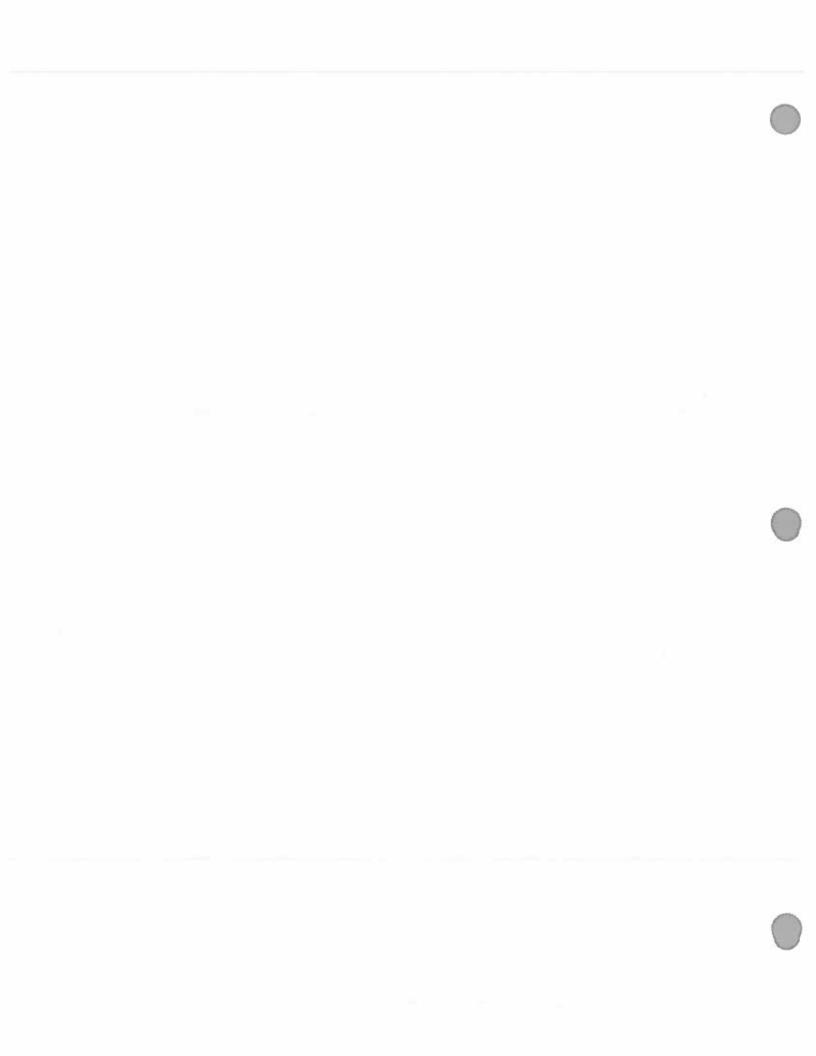
1 2 get a copy of a tax bill? 3 MR. SANDERMAN: We may have 4 them with us. 5 MR. MEYER: There is 44 of 6 them. 7 MR. PALLY: I would like to 8 have a copy of the tax bill and 9 have the appraisals done. 10 MR. SANDERMAN: Sure. I could send them to you. 11 12 MR. TRIPP: You said there 13 are 44 of them. Why don't we have the 44 tax bills deemed marked 14 15 Exhibit 5. 16 MR. SANDERMAN: I don't know 17 if we have all 44 here, but they 18 are all fairly representative and 19 they are all within a few dollars 20 of each other. 21 22

MR. TRIPP: Other than that, Jim.

MR. RIGANO: I just had one or two questions. This might be more staff or Mr. Sanderman. Was a

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total number of credits allocated to the 22 acres in total 10.7 credits?

MR. SANDERMAN: Correct. It was seven credits that were awarded to seven lots that front on, again, I don't know what it's called here, Concourse, the improved road.

MR. SANDERMAN: There were 3.7 credits awarded to the 37 remaining lots.

MR. RIGANO: What is the relationship of the three parties, 60 Patent, Bernard Meyer and Terence?

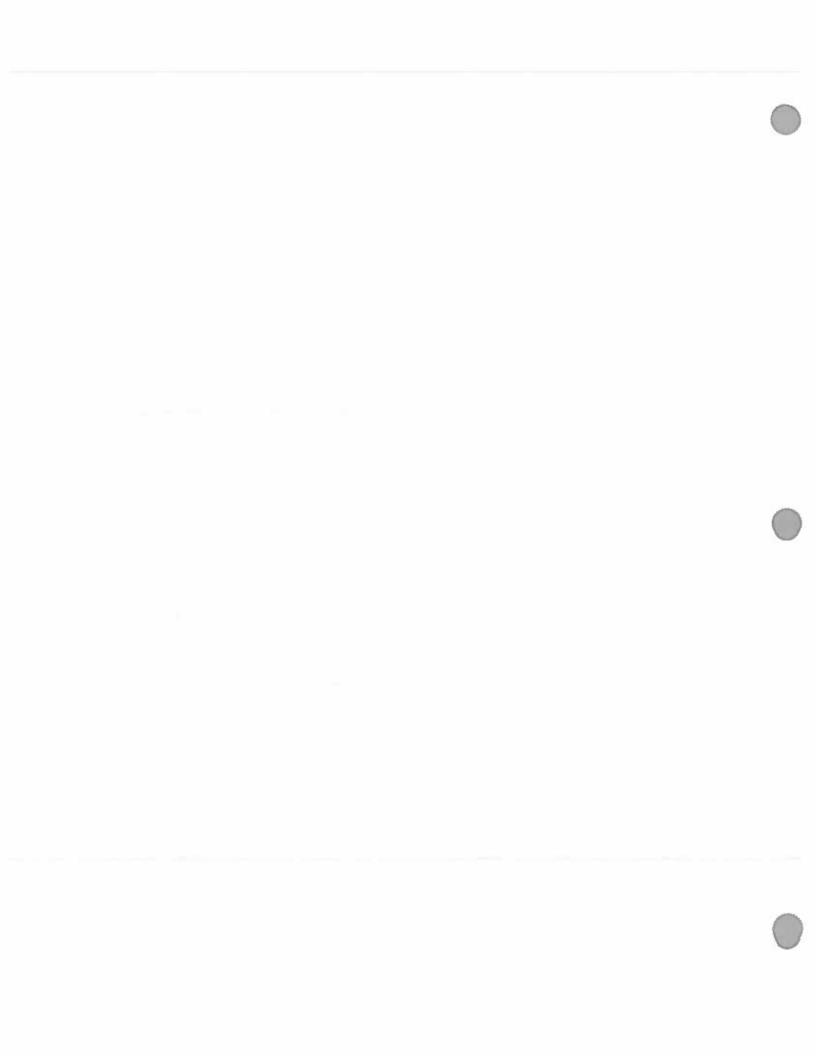
MR. MEYER: Basically, it was broken up that way for purposes of checkerboarding it back when the original rezoning was done back in approximately '74. These properties were purchased by Expressway 60, probably in mid 1960. I was in grammar school at that time. It was really an investment by my father

actually with other people with purposes of putting me through college and hoped law school.

In terms of investments, this was probably one of the worst investments that had been made and I managed to get through law school.

Also, a number of parcels the County now owns were originally owned by partnerships that my father was a partner of. And the County has bought up a good portion of them and left this one as an isolated piece.

It's been a long time going through this whole process and we want out. I mean, there was some comments before, quite frankly by Mr. Tripp earlier before this hearing started, about trying to generate some confidence in this program. And I sit here and I can't say that it's generated a



whole lot of confidence by me in the program considering the way it's coming down.

Mr. Pally is going to have a nice thing by the LIA on getting out information to the people and how it's going to be used. They could call me and ask me how it is going to be used. This is absurd and enough is enough. Thirty years of grief as Mr. Sanderman said.

I have learned a long time
ago that a lawyer who represents
himself is a fool for a client, so
I am trying to let Mr. Sanderman
handle most of it. We are trying to
offer alternatives to get out.

If the County owns or wants the land, they could have bought it when they bought the other parcels. They boxed us in and now they want to bog us down with 64 technicals.

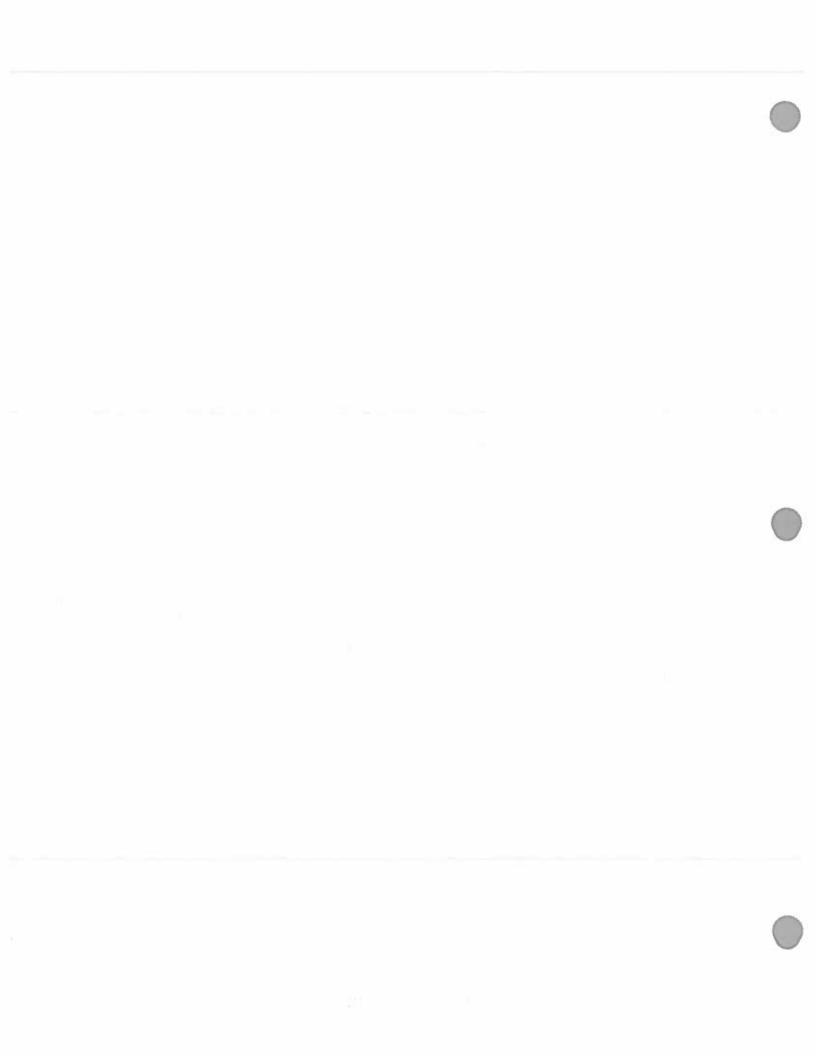
I am all for saving water, but I shouldn't have the cost

imposed on us as a land owner because of that. If you want the property buy the property. Let us sell it on the open market. We pay a ton of taxes on this and it just goes on and on.

Although I am a lawyer, I prefer to avoid litigation process and have it done. I'm sorry for the extended answer.

MR. TRIPP: I think we understand your point.

MR. SANDERMAN: There is a little more than history to this than meets the eye. The parcels surrounding as part of the Expressway Patent, they were owned by the same groups and partners. And when they were upzoned from B1 to A2 in 1974 they commenced an action in the State Supreme Court to challenge the upzoning. And that went up on appeal and they ultimately lost it.



Then they sold out to the County and the values when they sold to the County was based on the two-acre zoning.

MR. TRIPP: When did that take place?

MR. SANDERMAN: The lawsuit was commenced in '74. I know the decision came down finally in '76, I don't know when the sale to the County took place.

MR. MEYER: The County actually acquired most of the other parcels probably within the last five or six years.

MR. TRIPP: The parcels from you are adjacent properties.

MR. MEYER: Expressway 60 is really the owner of the property.

That's why I ended up with one of the parcels because it was one odd parcel. Since my father is pretty much retired I am left to fend for the property.

52 1 2 MR. SANDERMAN: I think the 3 reasons these parcels were left 4 when the County did do the 5 acquisition was because they were 6 checkerboarded and they didn't want 7 to take the costs. MR. RIGANO: Expressway 60 8 9 Patent is a corporation? MR. MEYER: It's a 10 11 partnership.

MR. RIGANO: So that owns some of the parcels and other parcels are owned by Bernard Meyer and Terence?

MR. MEYER: I own one parcel.

It was perfectly checkerboarded.

MR. RIGANO: Who are Bernard Meyer and Terence Meyer?

MR. MEYER: I am not a partner in Expressway 60.

MR. RIGANO: Is the other individual?

MR. MEYER: There are a number of other individuals that

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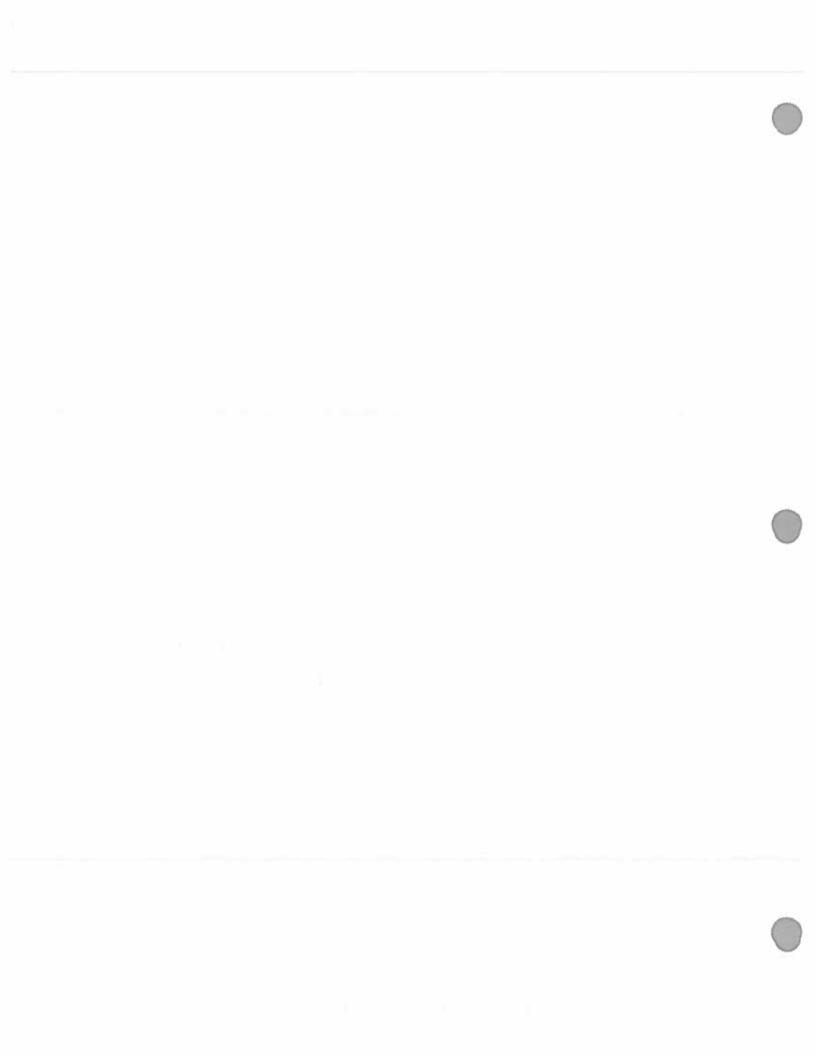
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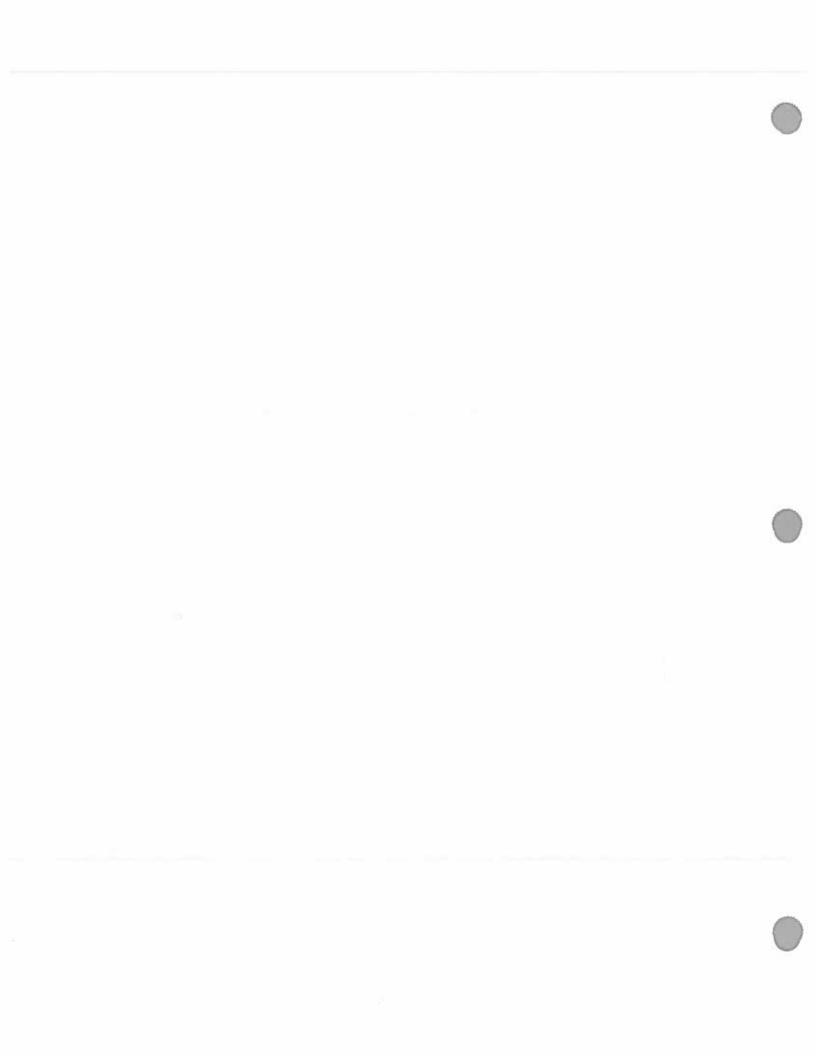
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are partners in that Expressway 60, most of whom quite frankly have deceased during the tendency of Expressway 60. And I generally deal with the estates or children of the deceased members of the partnership who all have basically the same opinion as mine, that they would like to see the property sold, done with or otherwise. And if it's in the best interest for the people of the County and it could go to the County, so be it.

MR. RIGANO: Did any of the parties that hold title to any of these parcels obtain title since say 1992?

MR. MEYER: No. This has been checkerboarded probably in '72 or '73 before the upzoning occurred. It was actually sold during the 1980's to another group who when they took title also checkerboarded it. And then we



ended up taking back a deed in lieu of foreclosure which was also checkerboarded. And that's how title ended up as Expressway 60, Bernard Meyer and Terence Meyer.

MR. SANDERMAN: We would be more than willing to sit down with the Clearinghouse to discuss this.

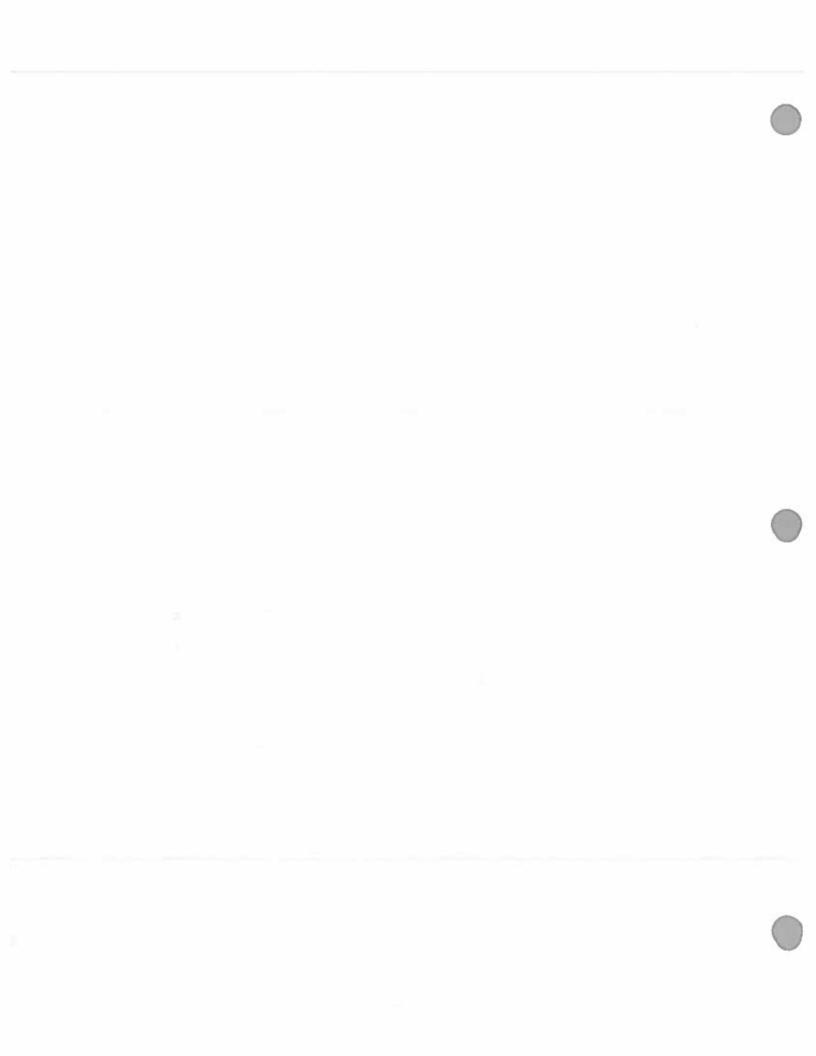
MR. TRIPP: We are not in the acquisition business. You can discuss it with us and --

MR. SANDERMAN: Who is in the acquisition business?

MR. TRIPP: The County and the State are in the acquisition business. But we can all talk about that.

Barbara, I just have one other question in light of this.

That is, if we were going to grant the petition in whole or in part, that in affect would be increasing the allocation of credits in the Town of Brookhaven. Conceivably, if

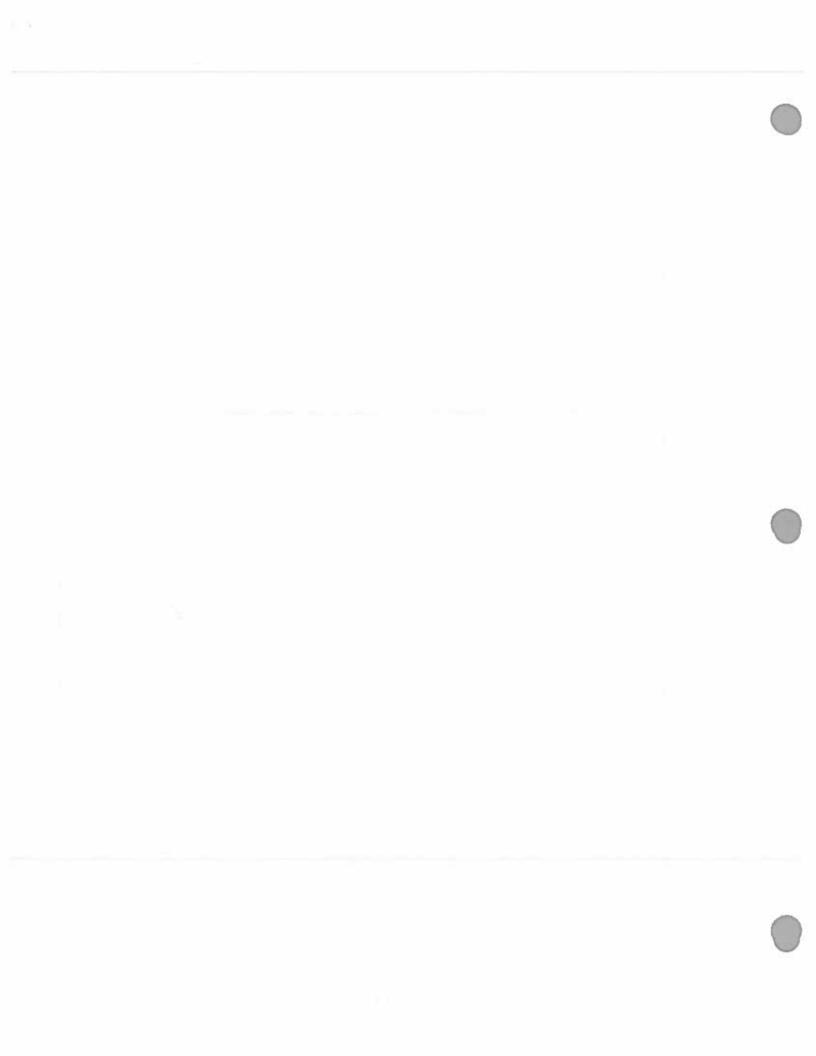


we did it for this applicant, other applicants would be forthcoming and making similar arguments. What would that mean in terms of increasing the allocation of the credits?

MS. WIPLUSH: We would have to know how many potential single and separate allocations.

MR. TRIPP: Brookhaven should have an answer to it. What would that mean in the increase of allocation of credits, what will it mean in terms of Brookhaven's compliance with the two ratios, the value and all those kind of things? You know, I think Brookhaven has to be aware of the ramifications of whatever we do.

My suggestion would be since
we are going to make a final
decision on March 26th, anything
further in writing from you or from
staff or if Brookhaven, should be



available to us at least a week in advance, say by the 29th -- by the 19th. Sooner if possible. Could you get anything further to us by Friday the 15th?

MR. SANDERMAN: The information that we would have to submit would be the tax bills which we considered labeled Exhibit 5.

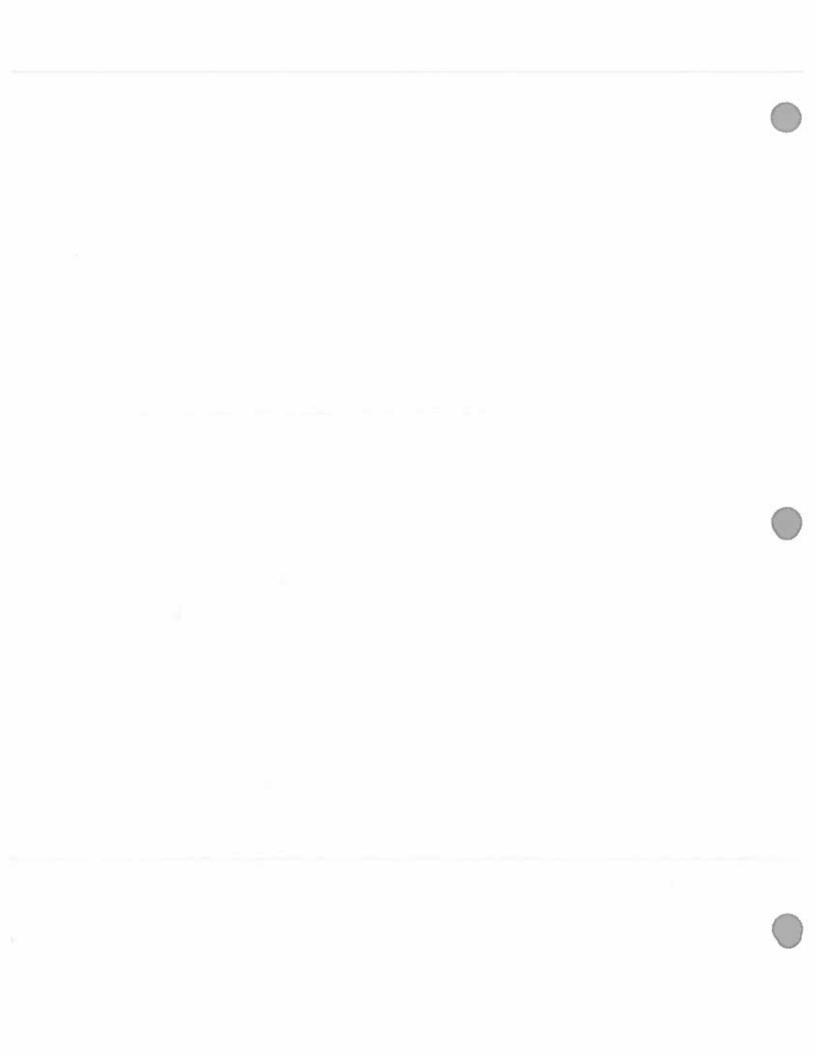
MR. TRIPP: Do you want to prepare anything further in writing. Why don't we do it by the 15th?

MR. SANDERMAN: Is there anyway I could go a little later on that?

MR. TRIPP: Let's go back to the 19th.

 $$\operatorname{MR}.$$ SANDERMAN: That would be fine.

MR. TRIPP: I think what we will do is in the meantime, one way or another, think about it. You know, we will get back in touch



with you.

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Anything further?

Thank you all very much.

MR. CORWIN: Are you leaving the record open or are you closing the hearing?

MR. TRIPP: The hearing is done for today. The record of the hearing will be opened until we make a decision on it.

MR. OLSEN: Are you going to open the hearing for public comment?

MR. TRIPP: Yes.

MR. OLSEN: MR. OLSEN: MR.

OLSEN: MR. OLSEN: MR. OLSEN: I

think you should.

MR. TRIPP: Would anyone like

to comment?

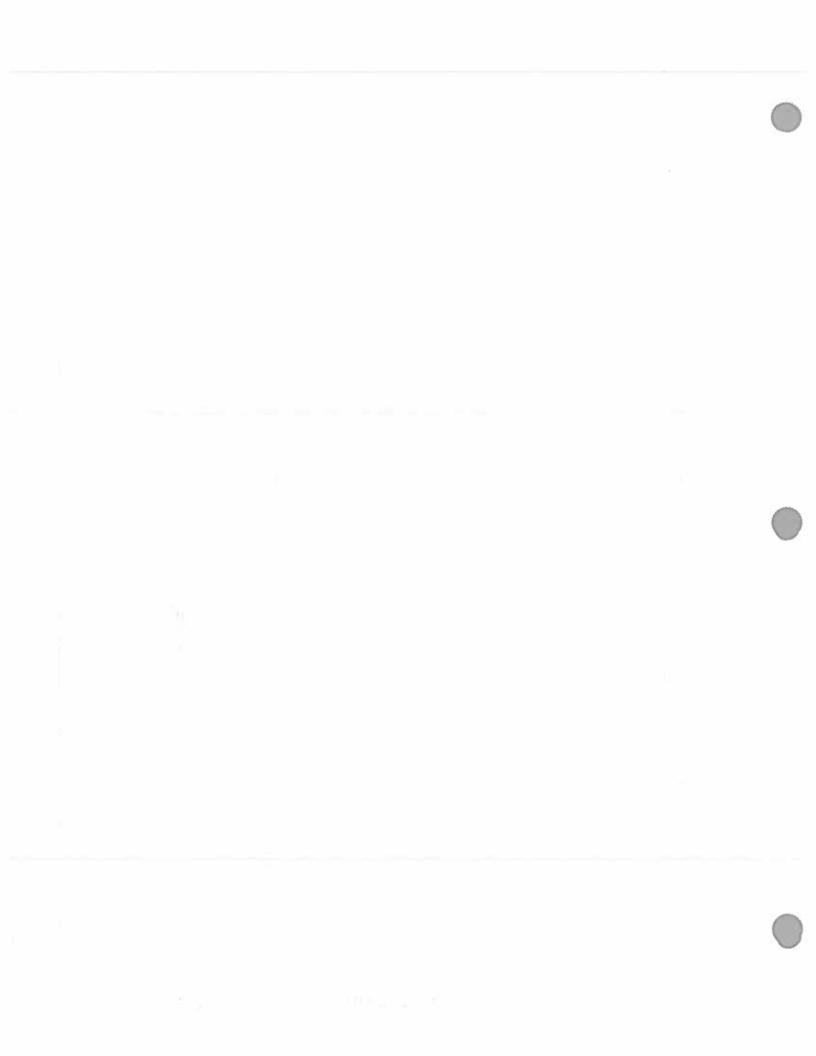
MR. OLSEN: MR. OLSEN: MR.

22 OLSEN: MR. OLSEN: MR. OLSEN:

23 Yes, my name is Walter Olson I am

24 the president of Civil Property

25 Rights Association and this



hearing is of utmost importance to me.

The issue that Mr. Sanderman raises here is extremely important to our membership, not only to our membership but every property owner in the Core. The Letter of Interpretation that was issued to Mr. Sanderman's client I think was a display of extremely bad faith.

As he explained, the intention of the Act and in the Plan it was described that there should be a bonus or incentive offered to the property owner to participate in this TDR program. If you want the program to work, you have to be offering these people something for their property.

In this particular case Mr.

Sanderman and his client have said that they believe in what you are doing as far as preservation of

ground water and they are surrounded by County property.

They do have an alternative of development on the property, but they are offering you the idea that they will participate in the TDR Program.

But the stumbling block is clearly the allocation of credits. At the very least I don't know what the allocation of credits should be on that parcel. But, as a gut feeling from my involvement in the Plan from the start, and I have probably been at more meetings on this than anybody in this room other than maybe Mr. Corwin because he has been virtually at everything I have been at, but my gut feeling as far as the allocation of credits is that these Letters of Interpretation should reflect at least the amounts of development that would have been allowed at the

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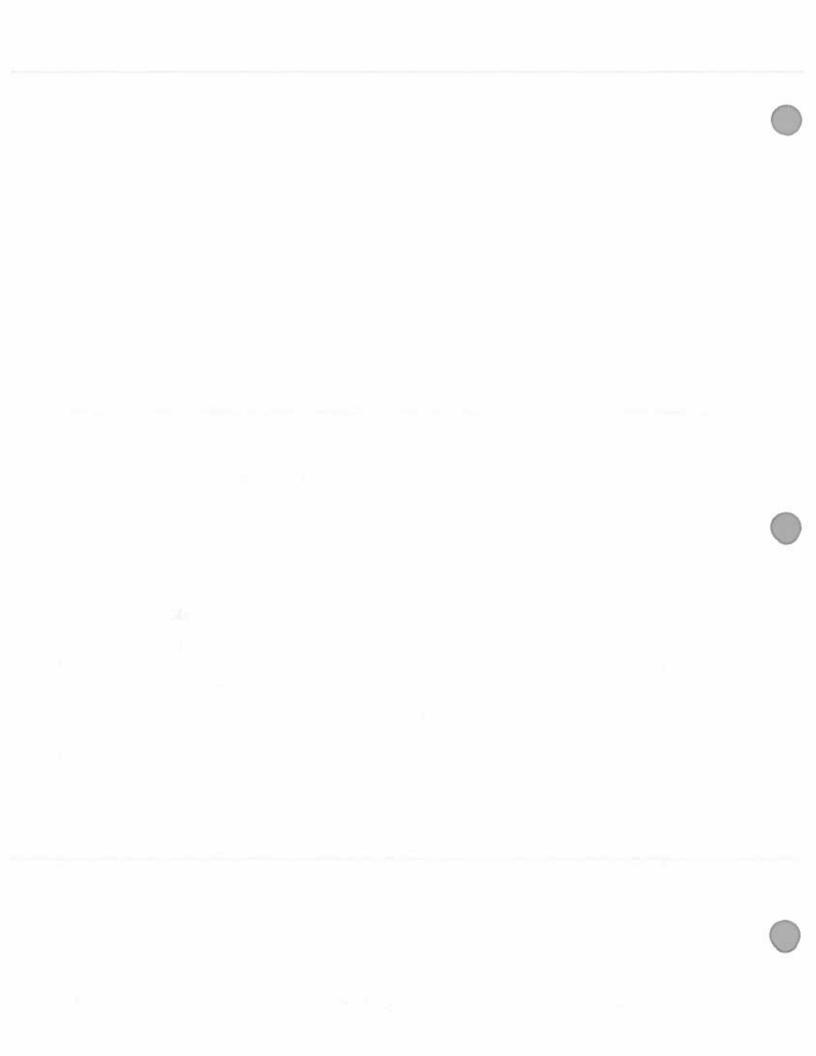
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time of the inception of the Plan with no upzone or downzone.

I think that would also include any changes to Health Department regulations. That will be my interpretation of it. I think that if the TDR Bank or Clearinghouse continues to issue Letters of Interpretation, not taking that all into account, they are just headed for failure, they are headed for absolute failure.

What I would recommend in this particular case is that you review it carefully and that you steeply increase the number of credits allocated to this property. I will be watching it closely to see how this is handled and how others of single and separate nature are handled. It is an extremely important issue.

I think you have to stop kicking it under the table and you



have to look at it or you are not going to have anybody using this TDR Clearinghouse as an alternative. And that is what it was intended for to prevent the development.

Thank you.

MR. TRIPP: Anyone else?
Okay. For purpose of today --

MS. ROTH: Mr. Trip, excuse me. I think if you are going to keep the hearing open you have to set a day for the hearing to continue.

MR. TRIPP: The hearing will continue on March 26th.

MS. PLUNKETT: You have to make a decision on that date.

MR. TRIPP: Four o'clock in the afternoon. Could we meet at three o'clock in the afternoon on the 26th? Okay, let's meet at three o'clock on the 26th. Why don't we put this on the agenda for

don't we put this on the agenda for 3:30 in the afternoon.

MR. MILAZZO: Keep the record open to the 15th so that anyone who wants to make comments.

MS. ROTH: He is continuing the hearing.

MS. WIPLUSH: Could I just ask a question. If I understand this correctly, in order to have a decision by the Clearinghouse you are going to have to go to the Town and get that determination.

MR. SANDERMAN: They left that open.

MR. PALLY: That means if you do it for one you have to do it for everyone or you don't do it for anybody.

MR. TRIPP: Okay. Anyone else here who wants to submit anything in writing, do so. Thank you very much.

(Time noted: 4:35 p.m.)

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CERTIFICATION

I, KRISTINA SINGROSSI, a Notary Public in and

THAT the within transcript is a true record

IN WITNESS WHEREOF, I have hereunto set my

6 for the State of New York, do hereby certify that:

8 of the testimony.

10 hand this 11th day of March.

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Kristina Lingrossi

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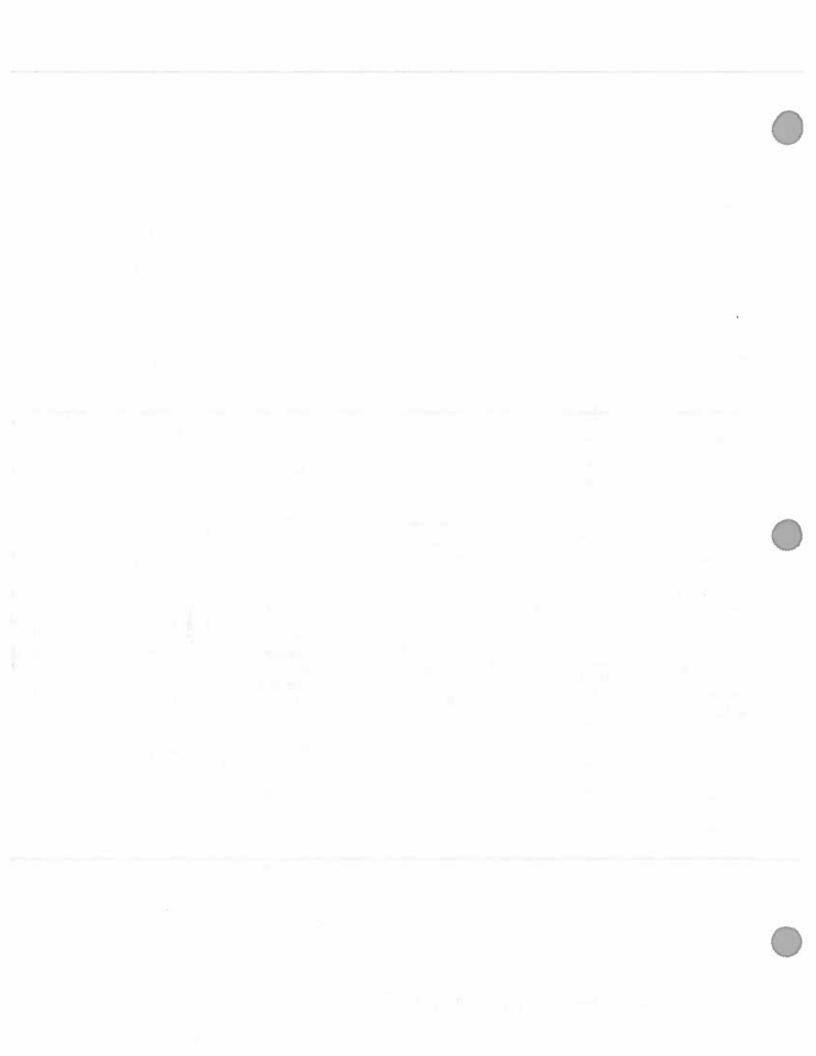
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CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION

In the Matter of the Appeal of Expressway 60 Patent & Bernard Meyer of the Allocation of Pine Barrens Credits Concerning SCTM Parcel Nos. 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,



PETITION PURSUANT TO SECTION 6.7.3.3 OF THE CENTRAL PINE BARRENS COMPREHENSIVE LAND USE PLAN

JAN 2 3 1996

Petitioners.

- 1. Petitioners, Expressway 60 Patent and Bernard Meyer, with a mailing address c/o of Meyer, Meyer & Metli, 28 Manor Road, Smithtown, New York 11787 submit this petition by their attorney, Philip H. Sanderman, with an office at 1770 Motor Parkway, Hauppauge, New York 11788 pursuant to Section 6.7.3.3 of the Central Pine Barrens Comprehensive Land Use Plan.
- 2. Petitioners, owners of the above referenced parcels, appeal 37 Letters of Interpretation dated December 26, 1995 issued by the Pine Barrens Credit Clearinghouse concerning the above listed parcels. Copies of said Letters of Interpretation are annexed hereto.
- 3. Petitioners submitted Letters of Interpretation Applications concerning said parcels on December 5, 1995. Together with the Letter of Interpretation Applications, were submitted individual single and separate title searches prepared by Peerless Abstract Corporation for each parcel complained of herein. Copies of said title searches are submitted herewith.
- 4. The subject parcels consist of thirty-seven (37) singly and separately owned parcels, each containing approximately one hundred and thirty-two (132) feet of frontage on unimproved mapped roads and containing approximately 1/2 acre of lot area. Pursuant to the single and separate provisions of the zoning ordinance of the Town of Brookhaven, each of said parcels constitutes a valid single and separate building lot and absent the fact that they are located within the Core Preservation Area of the Central Pine Barrens, would be entitled to building permits without the necessity of obtaining variances or special relief from the Town of Brookhaven.
- 5. The subject parcels are located on Maxwell Avenue, Faraday Avenue and Hertz Avenue, all of which access an improved town road.
- 6. Submitted herewith is an appraisal and cost of improvement estimate prepared by Frederick Wood. Please note that Mr. Wood is

both a Certified General Appraiser and a Professional Engineer. As can be seen from Mr. Wood's report the value of each of said lots unimproved is \$24,000.00 dollars, fully improved is \$45,000.00 dollars and it is estimated that the cost of improving each lot is \$16,200.00 dollars.

- 7. Had it not been for placement of this property within the Core Preservation Area, it was petitioners intention to obtain building permits, improve Maxwell Avenue, Faraday Avenue and Hertz Avenue and offer said parcels for sale as fully improved lots.
- 8. In order to do so would involve an application for extraordinary hardship pursuant to the Long Island Pine Barrens Protection Act and, as an alternative, petitioners have elected to try to obtain sufficient Pine Barrens Credits to offer for sale with the hope that any losses incurred as a result of the restrictions on development contained within the Act and the Plan can be sufficiently mitigated.
- 9. It is respectfully submitted that the allocation of 1/10 of a Pine Barrens Credit for each of the thirty-seven (37) parcels is wholly inadequate for the reasons contained below:
- a. The Long Island Pine Barrens Protection Act essentially prohibits development within the Core Preservation Area. The subject parcels are all located within the Core Preservation Area, are undeveloped and due to enactment of the Act have lost all value other then the potential for assignment of Pine Barrens Credits for which a market may, at some future date develop.
- b. As a principal means of avoiding claims for damages by aggrieved property owners, the Act contemplated a workable transfer of development rights program. Section 57-0119(6)(j) of the Environmental Conservation Law gave the Commission the power "to establish regulations, values and standards which may include a system of bonuses and incentives in order to purchase, sell, hold and trade development rights as defined in paragraph a of subdivision 1 of Section 261-a of the Town Law; such transfers may cross municipal and special district boundaries".

In addition, sub-paragraph #7 of Section 57-0119 directed the Commission to inventory private parcels within the Core Preservation Area and calculate the development yield for each property.

c. Sub-paragraph #6 of Section 57-0121 directs that the Land Use Plan provide for "identification of sending districts in Core Preservation and Compatible Growth Areas and receiving districts in Compatible Growth Areas and outside the Central Pine Barrens Area for the purpose of providing for the transfer of development rights and values to further the preservation and development goals of the Land Use Plan and methodologies and standards for procedural equity and appropriate values in establishing rights and values consistent with the provisions of Section 261-a of the Town Law".

d. It is abundantly clear that the legislation constituting the Long Island Pine Barrens Protection Act contemplated a viable and workable transfer of development rights program in order to adequately compensate property owners for the loss and use of their property and relies very heavily upon the transfer of development rights legislation contained in Section 261-a of Town Law. When 261-a of Town Law was enacted by Chapter 40 of the laws of 1989 a legislative declaration was stated. In its legislative findings, the legislature stated in part as follows:

"The legislature further finds and declares that transfer of development rights, utilizing the normal market in land, may provide just compensation to owners of property to be protected or preserved."

With this declaration of intent in mind, the appropriate sections of the Central Pine Barrens Comprehensive Land Use Plan governing assignment of Pine Barrens Credits must be examined. The conclusion is inescapable in that the plan and the determinations appealed from herein failed to meet the objectives of the Long Island Pine Barrens Protection Act and Section 261-a of Town Law. Section 6.1 of the Act deals with the purpose of the Pine Barrens Credit Program and states in part as follows:

"It is the primary purpose of the Pine Barrens Credit Program to maintain value in lands designated for preservation or protection under the Plan by providing for the allocation and use of Pine Barrens Credits."

- e. Sections 6.3.1 of the Plan provides for allocation of one Pine Barrens Credit for each single family dwelling permitted on a parcel of land based upon the development yield set forth in Section 6.3.1.1.1 through 6.3.1.1.9 under the zoning regulations in existence at the time the Plan was adopted. More specifically the development yield factor section totally ignores Section 85-372 of the Code of the Town of Brookhaven which permits, as of right, development of a single family dwelling on each of the parcels that is subject of this appeal.
- f. Despite repeated mention of the problem of allocating development rights to singly and separate parcels at the public hearings leading up to adoption of the Plan, a section dealing with such allocation was omitted from the Plan, thereby leaving the question of allocating rights to owners of single and separate parcels to the discretion of the Pine Barrens Credit Bank and Clearinghouse. However, the Pine Barrens Credit Bank and Clearinghouse was given no standards for issuance of Pine Barrens Credit Certificates on single and separate parcels.
 - g. In allocating 1/10 of a Pine Barrens Credit to each of the

thirty-seven (37) single and separately owned 1/2 acre parcels, the "Bank" has condemned the subject property and has rendered it essentially valueless.

- 10. Offers received by petitioners for purchase of Pine Barrens Credits have indicated a range in values of Twenty-five hundred (\$2,500.00) dollars per Pine Barrens Credit to a maximum of Four thousand (\$4,000.00) dollars per Pine Barrens Credit. The offers were speculative in nature and tied to approval on parcels of land located outside the Core Preservation Area which may take years to obtain, if approved at all.
- 11. Petitioners have elected to seek allocation of Pine Barrens Credits in an effort to attempt to receive a fair and adequate return on their property without the necessity of seeking a hardship permit to develop it. Allocation of a mere 3.7 development credits to thirty-seven (37) buildable lots worth Eight hundred eighty-eight (\$888,000.00) dollars frustrates petitioners purpose.
- 12. The determination of the bank in awarding a mere 3.7 Pine Barrens Credits to the subject parcels constitutes a taking of property without just compensation, is arbitrary, capricious and, at the least, a disservice to the goals and objections of the Long Island Pine Barrens Protection Act.

WHEREFORE, petitioners respectfully request that the Commission overturn the determination of the bank and award a full Pine Barrens Credit for each and every parcel contained in this petition.

Dated: January 22, 1996

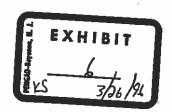
Respectfully Submitted,

PHILIP H. SANDERMAN Attorney for Petitioners 1770 Motor Parkway Hauppauge, New York 11788 (516) 232-1742

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March 25, 1996

Hon. James Tripp, Chairman Pine Barrens Credit Clearinghouse P.O. Box 587 Great River, New York 11739-0587

Re: Appeal of Expressway 60 Patent and Bernard Meyer

Dear Mr. Tripp:

As a follow-up to the information requested at the above hearing, held on February 28, 1996, I am enclosing a tabulation of the forty-four (44) parcels that comprise the single and separate lots controlled by Expressway 60 Patent, Bernard Meyer and Terence Meyer. The total assessed value is \$8,540.00. Applying the current equalization rate of 2.17 would yield a full market value of \$393,548.00.

Should we delete the seven (7) lots that have been given a full Pine Barrens Credit each, the assessed value is reduced to \$7,385.00 which would yield a full market value of \$340,322.00 for 37 single and separate lots.

I am enclosing copies of the tax bills that I had in my possession and will forward copies of the missing bills as soon as they can be reproduced. My client has grieved the assessment and has been turned down by the Assessor. At this time a tax certiorari is pending.

A second issue was raised at the hearing concerning the number of actual buildable lots that could result should Suffolk County Sanitary Code Article 6 be applied. If we assume, arguendo, that Article 6 applies, my client can develop twenty-two (22) one acre lots merely by combining alternate single and separate parcels. In such event the parcels can legally be developed with individual private wells and individual septic systems.

Bringing this argument one step further, I would estimate that a twenty-two (22) lots fully approved but undeveloped one acre Pine Barrens Credit Clearinghouse

ATTN: Hon. James Tripp, Chairman

March 25, 1996

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subdivision would be worth between \$450,000.00 and \$500,000.00 dollars. The Long Island Pine Barrens Act has prohibited development on the parcels and has therefore deprived my client of all value.

I am sure the Clearinghouse is aware that when a Court determines that a "regulatory taking" has occurred, the value is the date that the regulation went into effect. It has nothing to do with the purchase price of the property. Accordingly, the comment from one of the Clearinghouse members concerning purchase price is inappropriate.

My client is eager to avoid litigation with the Commission and Clearinghouse. The purpose of our application for Pine Barrens Credits was with the hope that sufficient credits would be awarded to approximate even the lowest estimate of fair market value. In view of the fact that the market for Pine Barrens Credits is speculative and, at best, weak, I would think that my clients offer to try to utilize Pine Barrens Credits in lieu of seeking monetary compensation is more than generous.

There is nothing in the act which would prohibit the Clearinghouse from awarding certificates based upon the value of property as opposed to hypothetical yield formulas. It is not my clients fault that the Town of Brookhaven understated the number of single and separate parcels and has failed to enact a workable TDR program providing for at least a two or three to one receiving site to sending site ratio. At best I would estimate that the Town's formula has reached a one to one ratio which is further devaluing Pine Barrens Certificates. The position that to award a full Pine Barrens Certificate for each single and separate lot would undermine the Town of Brookhaven's TDR program is completely without merit. By failing to provide a TDR program which would encourage an active market for Pine Barrens Credits, the Town of Brookhaven has added to the undermining of value applicable to the land in the Core Preservation Area.

In conclusion, we would respectfully request that the Commission grant a full Pine Barrens Credit to each single and separate parcel regardless of hypothetical development yield. We would then actively try to market the Pine Barrens Credits with the hope that we could sell same and dedicate the land to the public as the certificates were sold.

Pine Barrens Credit Clearinghouse ATTN: Hon. James Tripp, Chairman March 25, 1996
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Thank you for your attention on this matter and should you have any questions, please feel free to contact me.

Very Truly yours,

PHILIP H. SANDERMAN

PHS:jf Enclosures

- stated the reasons why the said assessments should be reduced and duly complied with all provisions of law entitling Petitioner to have said assessments corrected, ravised and reduced as aforesaid.
 - 6. Thereafter, Respondents finally determined that Petitioner's property should be valued as follows:

Tax Map 🗚 🗀	Assessment:	Tax Hap#	Assessment:
200-411-5-3.1	\$245	200-411-5-10-1	\$15 *
200-411-5-3.2	\$245	200-411-5-10.2	\$15
200 411-5-3.3	\$245	200-411-5-10.3	\$15
200-411-5-3.4	\$245	200-411-5-10.4	\$15
200-411-5-3.5	\$265	200-411-5-10.5	\$15
200-411-5-3.6	\$245	200-411-5-10.6	\$15
200-411-5-3.7	\$245	200-411-5-10.7	\$15
200-411-5-3.8	\$245	200-411-5-10-8	\$15
200-411-5-4.1	\$245	200-411-5-15.1	\$1.75
200-411-5-4.2	\$245	200-411-5-15.2	\$200
200-411-5-4.3	\$245	200-411-5-15.3	\$500
200-411-5-4-4	\$245	200-411-5-15.4	, \$200
200-411-5-4.5	• 00 5	200-411-5-15-5	\$200
200-411-5-4.6	\$245	200-411-5-15.6	\$200
200-411-5-4.7	\$245	200-411-5-16-1	\$100 .
200-411-5-4.8	\$245	200-411-5-16.2	\$150
200-411-5-9.1	\$245	200-411-5-17.1	\$250
200-411-5-9.2	\$245	200-411-5-17-2	\$250
200-411-5-9.3	\$245	200-411-5-17.3	\$250
200-411-5-9.4	\$245	200-411-5-17.4	\$250 .
200-411-5-5.5	\$285 •	208-122-7-4	(11)
200-411-5-9.6	\$245	TOTAL ASSESSE!	NAINE 8540,00:
200-411-5-9-7	\$245		
200-411-5-9.8	* \$245	8540 _	\$393548,00 FMV
		.217	3133 TO,00
		.217	i

and refused to further correct or reduce or modify said valuations.

7. Thirty (30) days have not elapsed since the filing of the cartified copy of the completed and verified assessment roll as required by law.