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January 11, 2007

Pine Barrens Joint Planning and Policy Commission  
P. O. Box 587  
3525 Sunrise Highway - 2<sup>nd</sup> Floor  
Great River, New York 11739-0587

Re: Letter of Interpretation of Edwin Tuccio, SCTM# 900-248-1-110.4

Gentlemen/Ladies:

Please be advised that Edwin Tuccio hereby appeals from your determination dated January 3, 2007, that no Pine Barrens Credits can be allocated to the parcel.

My client deems the determination to be contrary to the facts and law in this matter, resulting in the wrongful, illegal and improper taking from my client's property without due process and without reasonable compensation.

It is hereby demanded that you promptly provide all copies of all documents in your possession relating to and determining each hardship approval in 1994 and 1997; all facts and documents you possess which serve as the basis for the determination that the value of the subject parcel and the amount of such value determined by you; and the basis supporting the position that "the site is near the Town's development limits as contained by the Town Code."

Thank you for your prompt responses which must be provided prior to the scheduled hearing on the appeal.

Very truly yours,

MBS:st

cc.: Mr. Edwin Fishel Tuccio

MURRAY B. SCHNEPS

JAN 16 2007

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Please take notice that a hearing on the Letter of Interpretation Appeal for Edwin and Patricia Tuccio has been rescheduled to April 18, 2007 (rescheduled from March 21, 2007) at 3:00 p.m. at Brookhaven Town Hall, 1 Independence Hill, Farmingville, New York. Said appeals are made pursuant to Section 6.7.3.3 of the Central Pine Barrens Comprehensive Land Use Plan, dated 1995 (the Plan). The Central Pine Barrens Joint Planning and Policy Commission will be holding the appeal hearing pursuant to Section 6.7.3.4 of the Plan. The appellant did not receive an allocation of Pine Barrens Credits for reasons stated in the Letter of Interpretation dated January 3, 2007 for parcel: Suffolk County Tax Map #900-248-1-110.4 located south of Sunrise Highway, on the west side of CR 31, north of Gabreski Airport, Westhampton, Town of Southampton.

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Brookhaven Town Hall  
Farmingville, New York

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April 18, 2007  
4:15 p.m.

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

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PETER SCULLY - Chairman

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JOHN MILAZZO - CDBC Counsel

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CARRIE MEEKS-GALLAGHER - Representative, Suffolk County

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MARTIN SHEA - Representative, Town of Southampton

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JOHN TURNER - Representative, Town of Brookhaven

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BRENDA PRUSINHOWSKI - Representative, Town of Brookhaven

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PHIL CARDINALE - Representative, Town of Riverhead  
JUDY JAKOBSEN - Principal Environmental Analyst  
JOHN PAVACIC  
JANET LONGO  
RAY CORWIN  
ROBIN MILLS

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2 THE CHAIRMAN: Please take notice that  
3 a hearing on the Letter of Interpretation  
4 Appeal for Edwin and Patricia Tuccio has  
5 been rescheduled to April 18, 2007  
6 (rescheduled from March 21, 2007) at 3:00  
7 p.m. at Brookhaven Town Hall, 1 Independence  
8 Hill, Farmingville, New York. Said appeals  
9 are made pursuant to Section 6.7.3.3 of the  
10 Central Pine Barrens Comprehensive Land Use  
11 Plan, dated 1995 (the Plan). The Central  
12 Pine Barrens Joint Planning and Policy  
13 Commission will be holding the appeal  
14 hearing pursuant to Section 6.7.3.4 of the  
15 Plan. The appellant did not receive an  
16 allocation of Pine Barrens Credits for  
17 reasons stated in the Letter of  
18 Interpretation dated January 3, 2007 for  
19 parcel: Suffolk County Tax Map  
20 #900-248-1-110.4 located south of Sunrise  
21 Highway, on the west side of CR 31, north of  
22 Gabreski Airport, Westhampton, Town of  
23 Southampton.

24 THE CHAIRMAN: I'll just ask the people  
25 on the Commission to put there names on the

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record.

MS. MEEKS-GALLAGHER: Carrie  
Meeks-Gallagher, Suffolk County.

MR. SHEA: Marty Shea, representing  
Southampton Town supervisor, Patrick Heaney.

MR. TURNER: John Turner, representing  
Town of Brookhaven supervisor, Brian Foley.

MS. PRUSINHOWSKI: Brenda Prusinhowski,  
representing Brookhaven town supervisor,  
Brian Foley.

THE CHAIRMAN: Peter Scully representing  
the State of New York and Supervisor Phil  
Cardinale is representing the Town of  
Riverhead.

We turn first to staff.

MS. JAKOBSEN: I am admitting for the  
record five staff exhibits, which I provided  
to the stenographer. I would like to go  
over a few items initially with regard to  
this appeal.

The parcel is 52.3 acres. It's current  
use is a mini-storage warehouse facility.  
The issue for the Clearinghouse was how to  
allocate the commercial use, such as a

1 Tuccio SCTM 900-248-1-110-4

2 mini-storage warehouse facility. And  
3 whether this parcel was eligible for credits  
4 due to its existing use and the fact that  
5 parcel received two Core Preservation Area  
6 hardships to expand a building.

7 In the packet I sent to the Commission  
8 members, there were included a number of  
9 staff exhibits. I would like to briefly go  
10 over them. These items that were included  
11 in the Commission packet were what the  
12 Clearinghouse members used to determine  
13 whether or not they should be allocating  
14 credits to Suffolk County Tax Map number  
15 900-248-1-110.4. I had attached the items  
16 in your packet, but I didn't identify them  
17 by staff numbers.

18 The first exhibit is the correspondence  
19 from Mr. Schneps to Commission staff dated  
20 August 11, 2006 with an attached aerial with  
21 the developed areas highlighted in pink  
22 along with a calculation of these areas in  
23 acres that was prepared by a surveyor named  
24 Joseph Ingegno I-N-G-E-G-N-O who prepared  
25 the aerial along with the calculations.

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The second exhibit is a 2001 aerial with the development outlined in bold red. In addition, at the Clearinghouse meeting on December 18, 2006, as part of their decision and consideration for this credit allocation, there was a discussion that the applicant received two prior hardships in '94 and '97 to add buildings to the property that were considered minimum relief necessary under New York State DCL Article 57, and more importantly is the fact that any future expansion of the facility would require a Core Preservation Area hardship permit, which is questionable that would be granted due to the prior hardship that provided minimum relief.

I also provided in the packet copies of resolutions that approved the hardships and it should be noted that a third hardship was in 2000 that was subsequently withdrawn. I have provided minutes from the Commission meeting of March 29, 2000 that brought up whether the two permit approvals for minimum relief as referred to in the Pine Barrens

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Law.

The fifth staff exhibit is a map of the property situated at Westhampton, which is reduced scale, as staff Exhibit 5, and the map shows highlighted areas in yellow the building that were added as of the '94 Core Preservation Area Hardship approval. The orange areas were for buildings added in 1977 Core hardship permit application and outlined in aqua are the buildings that were proposed for the 2000 Core hardship application, which was withdrawn.

The last exhibit is Exhibit 6, which is a letter to the applicant from Commission staff stating that the parcel is not eligible to receive credits.

I would like to enter that letter into the record. January 3, 2007. Dear Mr. Schneps: The Pine Barrens Credit Clearinghouse reviewed your client's -- Counsel informed me I can just introduce it, I don't need to read it. It's a letter that's dated January 3, 2007 to Mr. Schneps from myself and it outlines the manner in



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2 which the Clearinghouse considered materials  
3 for determination that the parcel could not  
4 receive credits. I think it is important to  
5 point out that the Clearinghouse, in the  
6 second paragraph of the letter, evaluated  
7 your client's application in the context of  
8 Section 6.1 of the Central Pine Barrens  
9 Comprehensive Land Use Plan, and the primary  
10 purpose of the credit program is to maintain  
11 value in lands designated for preservation  
12 or protection under the plan by providing  
13 for the allocation and use of Pine Barrens  
14 Credits. It says maintain value. That's  
15 all I have.

16 MR. MILAZZO: John Milazzo, counsel.  
17 The Commission issued the Letter of  
18 Interpretation. The Letter of  
19 Interpretation was for zero credits. The  
20 applicant owns 53 acres and is zone LI200  
21 which normally would receive one credit per  
22 acre. The Clearinghouse spent some time  
23 analyzing this application. It was before  
24 the Clearinghouse at least twice. At the  
25 third meeting, struggled with the

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allocation. Clearinghouse exercising its discretion, all be it limited, looked at the property, considered the improvements and considered the criterion in the plan in allocating credit and came to the determination that this parcel was eligible for zero Pine Barrens credits. The appeal is on that allocation of zero PBC.

THE CHAIRMAN: The basis of the determination?

MR. MILAZZO: Combination of existing use and the fact that the parcel has already received two hardship approvals from the Commission. When the Clearinghouse looked at that and the purpose of the credit program which is to preserve value property.

THE CHAIRMAN: You said, for the most part, this provision is utilized to provide compensation of value to owners of property that are not useful in the core which they can't derive any use, therefore, they are entitled to credits.

MR. MILAZZO: It's not compensation. It's use.

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2 THE CHAIRMAN: In this case, we have  
3 property that's a commercial operation and  
4 received two prior hardship approvals for  
5 expansion.

6 MR. MILAZZO: The attorney and the  
7 applicant is here. Murray Schneps.

8 MR. SCHNEPS: I'm going to stand up  
9 because I don't think I can see you all.  
10 I'll sit down when I can't stand up any  
11 more.

12 I have a presentation that I have  
13 basically organized by addressing the denial  
14 letter, which I believe you have as exhibit  
15 number four. I have broken it out into  
16 basically four issues to address, that are  
17 addressed in the letter, and a fifth section  
18 which will be our conclusions with regard to  
19 each one of the items. They may be  
20 self-obvious when I get to the final point.

21 In your letter, the denial, you pointed  
22 out the point the primary purpose of Pine  
23 Barrens credit program is quote to maintain  
24 value in the lands designated for  
25 preservation or protection under the plan by

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2 providing for the allocation and use of Pine  
3 Barrens Credits.

4           However, we think there is more to state  
5 about what the main purpose is. We would  
6 like to address Section 6.1 of Chapter 6 of  
7 the Pine Barrens Credits program. It is to  
8 preserve the Pine Barrens ecology and ensure  
9 the high quality of the surface and  
10 groundwater within the Central Pine Barrens.

11           The act also states that the plan is to  
12 discourage peaceful and scattered  
13 development and accommodate development in a  
14 manner consistent with the long term  
15 integrity of the Pine Barrens ecosystem.

16           Considering who you people are, I'm a  
17 little bit embarrassed about this, because  
18 you know more about the Pine Barrens than I  
19 do. I think it's important for my  
20 presentation to hear the provisions.

21           Further, the interim goals and standards  
22 for the compatible growth area of the  
23 Commission principles for review of  
24 applications or development within the  
25 Suffolk County Pine Barrens zone, it

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2 addresses the groundwater, wetlands, surface  
3 water, rare and endangered species, and  
4 unique national communities, native  
5 vegetation disturbance and refers to  
6 creating a plan to develop a plan upon a  
7 demonstration of hardship.

8 Hardship is a very important issue in  
9 this presentation because it's a very  
10 important issue in the denial. Where it  
11 seems that there's a great deal of emphasis  
12 on the idea that my clients have sought and  
13 received two previous hardships. I would  
14 like to say this before I really deal with  
15 that. Firstly, that we don't believe that  
16 our client secured any hardship approvals in  
17 this case and the only reason that they are  
18 prior hardship approvals is that there's no  
19 other mechanism for securing an approval.  
20 Additional, the Environmental Conservation  
21 Law, Section 570121 subdivision 2 provides  
22 that you protect, preserve and enhance the  
23 functional integrity of the Pine Barrens  
24 ecosystems and the significant natural  
25 resources. That includes plant and animal

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2 populations and communities thereof; protect  
3 the quality of the surface water and  
4 groundwater, and discourage piecemeal and  
5 scattered development.

6 I point to this item again because my  
7 clients did not attach the property in any  
8 way. It didn't diminish the property in any  
9 way. For the most part, the buildings that  
10 there were on the premises have been on the  
11 premises since the 1940s and some of the  
12 1950s. These buildings were established by  
13 the United States Army who built a lot of  
14 these buildings and roads. Further, all of  
15 these requirements to maintain the Pine  
16 Barrens have been met by my clients. They  
17 did not affect in any negative way the Pine  
18 Barrens. They did not bring improper water.  
19 They did not have any other types of  
20 involvement in the property. To this point  
21 and continuing, my clients are in full  
22 compliance with the act and its intent and  
23 they have not negatively impacted upon the  
24 Pine Barrens ecosystem.

25 The second point in the denial letter is

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2 that my clients were granted hardship  
3 exemptions. While it's true my clients are  
4 involved in a commercial enterprise, it's  
5 unfair to contend that they sought or were  
6 actually granted a hardship exemption. I  
7 mean realistically was it a hardship  
8 application? It was called a hardship  
9 application. There is no other manner to  
10 secure approval.

11 At the time my clients secured title,  
12 the area had already been isolated which was  
13 fenced and still fenced. The property has  
14 been always extensively disturbed, cleared  
15 of vegetation and contained buildings. This  
16 was not caused by my clients. They seek,  
17 however, at some point in time to use on  
18 this same unpristine property some  
19 additional buildings and that permission was  
20 granted to them.

21 None of applicants' construction or any  
22 of the part of the fenced area has been an  
23 intrusion on the vegetation, the habitat of  
24 the species, animals or aquifers. The  
25 construction did not improve or contravene

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2 the intent of the law. The development is a  
3 dry use and contributes no negative impact  
4 upon the aquifers. No unique species or  
5 vegetation exist. There's no affect, again,  
6 on the aquifer. There's no runoff on the  
7 property. There's no discharge on the area.  
8 Given the fact that the area had been  
9 disturbed since, actually, I said the '50s,  
10 actually since 1940s, it was never pristine,  
11 and surrounded by a fence.

12 In addition to all stated facts, the  
13 applicants should have had the right to  
14 develop the area, but for the requirement to  
15 secure approval. The sole mechanism to  
16 secure approval is an application for a  
17 hardship exemption. The fact that's the  
18 sole mechanism should not be utilized to  
19 penalize my client and call their prior  
20 application to be a hardship application.

21 The construction sought by my client was  
22 granted because all the construction was  
23 within a disturbed area and which did not  
24 affect the Pine Barrens and the approval  
25 should have been granted on that basis. But



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2 a hardship exemption was the sole mechanic,  
3 other than litigation. Litigation would  
4 have been a wasteful process. The  
5 applicants should have been granted approval  
6 for the construction sought, as it would not  
7 have and did not have any negative affect on  
8 the Pine Barrens, the act or the intention  
9 of the act. Accordingly, the applicants  
10 should not be charged as having been granted  
11 a hardship exemption.

12 It is urged that the exclusion you have  
13 to seeking permission for use upon the  
14 hardship exemption is an omnibus clause term  
15 because there's no other term. In an all  
16 inclusive manner, the applicants are  
17 obligated to utilize that sole manner.

18 There's another issue that is raised.  
19 That is a suggestion, I say suggestion, in  
20 the denial letter that the calculations  
21 indicate that the site is near the town's  
22 development limits as contained in the town  
23 code. That is grossly untrue. Pursuant to  
24 the Town of Southampton under Section  
25 330-37, industrial districts of use

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1 regulations part three, provide that a  
2 self-service storage facility is deemed to  
3 be under LI200 light industry and permits  
4 such as a special exemption. So that  
5 utilization is permissible. It is not  
6 prevented. The Town of Southampton under  
7 330-38 industrial district table of  
8 dimensional regulations provides that lot  
9 coverage for main and accessory buildings  
10 under LI200 light industry is 20 percent.  
11 The acreage in the lot that we are speaking  
12 about is 52.299 acres, and just based on lot  
13 coverage, my client would be entitled to 20  
14 percent coverage, and they do not have that.

15  
16 As a matter of fact, in further looking  
17 at the code of the Town of Southampton,  
18 Chapter 330 in zoning, Article 1, the  
19 general provisions say word usage, the word  
20 structure includes the word building.  
21 Further in definitions is a definition for  
22 building, building area, lot coverage and  
23 other matters, and I am going to deliver  
24 copies of those statements, and it indicates  
25 that a structure is only a building. The

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2 aprons are not buildings. The roads are not  
3 buildings. According to our evaluation and  
4 in the updated survey -- I would like to  
5 provide and have them marked as, I guess,  
6 Exhibit A for us. I have several copies.  
7 The updated survey from Joseph Ingegno also  
8 designates each one of the buildings and  
9 roads and aprons on the property, measuring  
10 them out size wise and providing a true  
11 indication of the size. I have two CO  
12 surveys which break out the percentages and  
13 acres for the buildings and asphalt, roads,  
14 the concrete aprons for the survey. It  
15 deals with four constructions that existed  
16 prior to the Pine Barrens. That's work that  
17 was done by the government in the 1940s and  
18 50s. It has another break out and listing  
19 of coverage in those areas made by the  
20 applicant and the government in advance.

21 THE CHAIRMAN: Is this a survey not  
22 previously provided to the staff or  
23 Clearinghouse?

24 MR. SCHNEPS: It's the same survey that  
25 has additional information on it.

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2 THE CHAIRMAN: So the answer is, this  
3 was not previously provided to the  
4 Clearinghouse.

5 MR. SCHNEPS: That is correct.

6 THE CHAIRMAN: So it has new and  
7 additional information they should have  
8 considered and didn't? Didn't have it  
9 available?

10 MR. SCHNEPS: It's the same information.

11 MS. JAKOBSEN: Are you saying that your  
12 letter, the information that Mr. Ingegno  
13 provided on the survey --

14 MR. SCHNEPS: You have the same survey  
15 but the breaking out of the building size,  
16 aprons and road works are specifically  
17 pinpointed and the sizes are separated as  
18 demonstrated.

19 MR. MILAZZO: The survey is the same,  
20 but he has further broken down the exact  
21 physical dimensions of the structures on the  
22 property. He just measured the buildings  
23 and other structures. It's been marked as  
24 Exhibit A.

25 MR. SCHNEPS: This would be Exhibit B.

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2 I know you produced this already. This is  
3 section 330-38.

4 MR. MILAZZO: The dimensional  
5 requirements, we will mark these as C.

6 MR. SCHNEPS: I have the zoning  
7 definitions.

8 MR. MILAZZO: We will mark as Exhibit C  
9 the dimensional requirements of the zoning  
10 district at 330-38. Exhibit D will be the  
11 general provision definition section of  
12 Chapter 330 of the town zoning code.

13 Exhibit E will be Town of Southampton  
14 dimensional regulations for the LI business  
15 district, for the business districts.

16 Any other exhibits, Mr. Schneps?

17 MR. SCHNEPS: I think that may be them  
18 all, unless I change my mind.

19 THE CHAIRMAN: Are there additional  
20 comments you want to put on the record?

21 MR. SCHNEPS: Yes. As can be seen from  
22 looking at the documents submitted, the  
23 original buildings that were built in the  
24 '40s and '50s, all of which were prior to  
25 the Pine Barrens, cover buildings on .98

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2 acres. The additional buildings that were  
3 constructed by my client were .90 buildings.  
4 There are fewer than two acres of lot  
5 average on the 52.299 acres. In spite of  
6 that fact, a fast calculation of 20 percent  
7 of 52.299 exceeds ten acres. That's a  
8 substantial difference in the number of  
9 acres and just dealing with that issue is a  
10 substantial difference in terms of the  
11 number of credits to which my client would  
12 be entitled. We are talking about  
13 approximately eight additional credits just  
14 on the 20 percent basis. This was rejected.

15 We are not asking to do anything else to  
16 the property. We are not asking to  
17 supplement any construction in any way  
18 whatsoever. We are simply asking to receive  
19 the credits that we are entitled to on the  
20 property.

21 As a matter of fact, we are really  
22 asking for more than that number of credits.  
23 We are really asking for credits for the  
24 whole 52.299 acres, less than those that  
25 were constructed upon. We do believe that

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2 there is precedent for doing that.

3 My clients could seek a subdivision  
4 approval and vacate and have some of that  
5 property without any buildings on it.  
6 However, that should not be necessary. My  
7 clients should not be pressed to do that.

8 In the previous case of Tuccio against  
9 the County of Suffolk, a case that you  
10 should be familiar with, that was the action  
11 against the county for related property,  
12 index number 98-11876. I'm offering that as  
13 an exhibit.

14 MR. MILAZZO: Do you want to mark the  
15 exhibit? I don't think it's relevant, but  
16 we will mark it.

17 MR. SCHNEPS: I think it is. This is  
18 the nature conservancy survey that was in  
19 connection with the bar clear action where  
20 it was approved that this lot was separated  
21 into four separate lots without the use of a  
22 subdivision approval. It was done  
23 independently into separate lots labeled A,  
24 B, C and D. Credits were awarded to two of  
25 those new parcels without the need of my

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2 clients securing an approval of  
3 subdivisions. We are asking that you do the  
4 same thing and give us all the credits.

5 Some people may say, well, these people  
6 were able to use the property and made  
7 money, but the Constitution in the states  
8 and in New York is pretty clear. People are  
9 entitled to maximize the value of their  
10 property and they don't have to minimize  
11 that value by anybody else's feelings or  
12 anybody else's beliefs that someone should  
13 have more or should have less. My clients  
14 are entitled to maximize their value and it  
15 is both false and improper for the  
16 Commission to make a determination that my  
17 clients have earned enough money for their  
18 property. I don't think you have the right  
19 to do that.

20 You have a right to make a  
21 determination, but you have to make a  
22 determination that's fair and proper under  
23 the law. Under the law, an owner of  
24 property is effected in diminution in their  
25 right of the property because of the Pine



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Barrens.

We should make a statement that should this Commission in reviewing your position and granting to us the credits that we are asking for, for the entire amount, we are willing to issue an appropriate easement so there will be no further development whatsoever on the property.

THE CHAIRMAN: Thank you.

MR. MILAZZO: I need one question answered. How many credits are you seeking? Seven, 52, 49?

MR. SCHNEPS: Since I'm not able to calculate them at this moment, I would say 52.299 less the buildings.

MR. MILAZZO: That's 49.

THE CHAIRMAN: What did you seek at the Clearinghouse?

MR. MILAZZO: It was unspecified.

MR. SCHNEPS: In response to that, in other discussion that were had, everybody was really viewing the property as if the lot coverage included things other than the buildings. As we dug deeper, not everybody

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2 was correct about what the lot coverage is.

3 MR. SHEA: You had spoken with regard to  
4 the town's structural coverage for this  
5 property. I think what you need to  
6 recognize the permitted structural coverage  
7 is indicative of the potential maximum use  
8 or value of the property. That's a lot  
9 different from the Pine Barrens Credits  
10 program, which is to maintain value over  
11 use. There is a distinction between the  
12 maximum use permitted pursuant to the town  
13 code outside of the Pine Barrens and the  
14 intent of the Pine Barrens Act.

15 MR. SCHNEPS: We are not looking to  
16 maximize the use of construction. We are  
17 looking to maximum our credits.

18 MR. SHEA: You are using the town's  
19 permitted structural coverage as a basis to  
20 ask for additional credits.

21 MR. SCHNEPS: Unfortunately, we have to  
22 use the facts as we have them and use the  
23 law as we have them. My understanding under  
24 the DCL and the Constitution, you're bound  
25 by the code of the Town of Southampton.

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1  
2 That's their code. If that's their rules,  
3 that's the way you calculate how much the  
4 lot coverage is. How else would you  
5 determine lot coverage? Otherwise, I could  
6 say lot coverage, you shouldn't charge --

7 MR. SHEA: I'm not questioning whether  
8 or not you would use the term maximum  
9 coverage. What I'm saying is that's  
10 indicative of the maximum use of the  
11 property as opposed to the intent of the  
12 Pine Barrens program which is to maintain  
13 value, reasonable value. That's a big  
14 distinction.

15 MR. SCHNEPS: All that language really  
16 is, you recognize the fact that people who  
17 own property have a right to maximize their  
18 value and really what you're suggesting in  
19 that language, they have a right to earn an  
20 appropriate amount of money. We are not  
21 looking to construct anything further.

22 MR. SHEA: It is correct an owner of a  
23 piece of property is entitled to reasonable  
24 return on the property. That's different  
25 from the maximum use.

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2 MR. SCHNEPS: Is it your point of view  
3 that the Commission is going to make a  
4 determination as to how much value in  
5 dollars is a party supposed to get?

6 MR. SHEA: I'm making a distinction  
7 between Pine Barrens Credit program and the  
8 town's structural coverage.

9 MR. SCHNEPS: There has to be a basis to  
10 make a determination how much money or value  
11 or construction you can do on a property in  
12 terms of buildings and lot coverage.

13 THE CHAIRMAN: I would agree. I don't  
14 know whose obligation it to determine that.  
15 I wouldn't disagree with that. Any other  
16 questions? Anybody from the public?

17 MR. AMPER: Richard Amper, executive  
18 director of the Long Island Pine Barrens  
19 Society. First of all, the applicant in  
20 this case has been a person who has  
21 supported the efforts of the Pine Barrens  
22 preservation through the sale of other  
23 holdings to the government for that purpose.

24 Secondly, I would point out that the  
25 document, the site survey that has been

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1  
2 supplied, did provide the same information  
3 to the Clearinghouse as being provided here  
4 with the exception that they have made it  
5 easier to sort out what has been developed  
6 in what ways. Otherwise, the information  
7 has not changed.

8 And the final thing, the question is  
9 whether the Commission has addressed  
10 previous applications from this applicant,  
11 was it made known the granting of the  
12 applications constituted the minimum relief  
13 necessary to lift the hardship. The  
14 question is not the maximum he might have  
15 gotten for his land but the minimum  
16 necessary to relieve and can the  
17 Commissioner speak to that? Was what the  
18 Commission did either in the communication  
19 to the applicant or another resolution, did  
20 that indicate that the Commission believed  
21 that it was granting the minimum relief  
22 necessary? That's the question.

23 MR. MILAZZO: We will have to look at  
24 the resolution.

25 THE CHAIRMAN: Any other questions?

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1  
2 Anybody else wish to be heard? If not, we  
3 will close the hearing for deliberation of  
4 the Commission.

5 Thank you, Mr. Schneps.

6 MR. SCHNEPS: Thank you.

7 (Time noted: 4:45.)  
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