

Original

PINE BARRENS COMMISSION
-----X

In the Matter of the hearing of:

RINGHOFF FAMILY
-----X

LLC #1 SCTM#
(200-512-1-15, 17, 18, 21; 200-562-4-21)

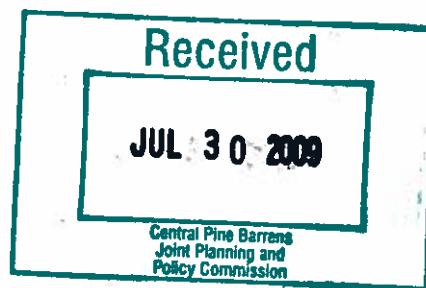
Quogue Wildlife Refuge
3 Old Country Road
East Quogue, New York 11942

Wednesday,
July 15, 2009

The above entitled matter came on for hearing at 3:05 p.m.

PANEL:

Peter Scully
Brenda Prusinowski
Martin Shea
Tom Isles
John Turner

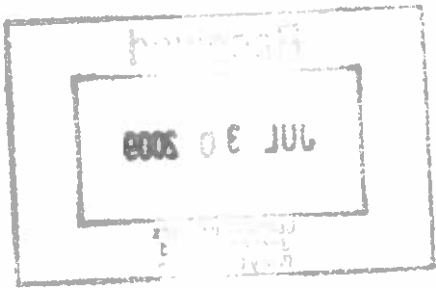



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One Penn Plaza
Suite 4715
New York, NY 10119



1 On Behalf of the Pine Barrens:

2
3 JOHN MILAZZO, ESQ.

4 P.O. Box 587

5 3525 Sunrise Highway - 2nd Floor

6 Great River, New York 11739-0587

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P R O C E E D I N G S

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(3:05 p.m.)

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MR. SCULLY: I would like to call the public hearing to order. I will read from the public notice:

6

7

The Central Pine Barrens Joint Planning and Policy Commission will hold a public hearing on July 15, 2009 at 3:00 p.m., at the Quogue Wildlife Refuge, 3 Old Country Road, Quogue, New York, to determine whether Suffolk County Tax Map parcel Number 200-512-1-15, owned by Ringhoff Family LLC #1, has frontage on an existing improved road, and to determine whether the parcel is entitled to receive an additional allocation of Pine Barrens' Credits for any reason. The 5.11 acre parcel is zoned A5 Residential and located on the west side of Toppings Path, south of Hot Water Street, Manorville, in the town of Brookhaven.

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I would like the representatives to provide their names on the record.

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MR. SHEA: Marty Shea, representing the Southampton Town, Supervisor, Linda Kabot.

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MS. PRUSINOWSKI: Brenda Prusinowski, representing Brookhaven Town Supervisor Mark Lesko.

25

1 Proceedings

2 MR. ISLES: Tom Isles, representing
3 Suffolk County Executive Steve Levy.

4 MR. SCULLY: Peter Scully, representing
5 Governor Patterson.

6 You will hear now from Mr. Milazzo.

7 MR. MILAZZO: Good afternoon. Thank
8 you. I'm John Milazzo, staff counsel.

9 We are here today to have a hearing on
10 whether what we call lot 15, which is Suffolk
11 County Tax Lot Number 200-512-1-15 is on an
12 existing improved road. Just as a way of
13 background, Ringhoff's family LLC Number 1 owns
14 five parcels in the Central Pine Barrens. They
15 have received letters of interpretation, allocated
16 on the order of 24.22 credits. They appealed those
17 allocations contained in the letter of
18 interpretation from this body. This body denied
19 the appeal.

20 The Ringhoffs then commenced an Article
21 78 proceeding which was heard by Justice Rebolini
22 in Suffolk County Supreme Court. Justice Rebolini
23 upheld the allocations and the denial of the appeal
24 for four of the parcels, and the Judge directed the
25 Commission to hold a hearing to determine whether



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2 lot 15 is on an existing improved road.

3 As you may recall, the Ringhoffs were
4 represented by Twomey, Latham & Shea, that was
5 their attorneys, and the attorney in particular was
6 Lauren Stiles. Ms. Stiles was given notice by
7 telephone. I have spoken with her about today's
8 hearing. We also mailed to her office a notice of
9 today's hearing. She indicated she would not
10 attend, and I have not seen her yet, so I assume
11 she is not going to be here today.

12 The issue in the hearing is whether that
13 is an existing improved road. The Commission's
14 resolution denying the appeal specifically stated
15 that three of the parcels were not -- excuse me,
16 specifically stated that two of the three parcels
17 were not on existing improved roads. Lot 15 is
18 located on the intersection of Toppings Path and
19 Hot Water Street. The Commission's resolutions
20 said Hot Water Street, is not an existing improved
21 road in front of lot 15. It left out that Toppings
22 Path also wasn't an existing improved road.

23 Justice Rebolini correctly noted that
24 the Commission did not make a finding that Toppings
25 Path, in the immediate vicinity of Lot 15, was or

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2 was not an existing improved road. That's why we
3 are here today. With this hearing we will be able
4 to make the resolution and at the next meeting,
5 hopefully, conclude this matter.

6 I have asked staff to go out and inspect
7 the parcels, lot 15, and staff was out there. I
8 will turn this over to Judy just to give you a
9 staff report and, also, what you did with respect
10 to the inspection, the date, and I think you have
11 some exhibits as well.

12 MR. SCULLY: If I may clarify, the
13 sole matter before this Commission today is the
14 determination as to whether or not this particular
15 stretch of road is an improved road. That is the
16 only matter before the commission, which is whether
17 lot 15 on an existing improved road, specifically
18 Toppings Path. The Commission has already found
19 Hot Water Street is not an existing improved road.
20 It's a very narrow charge

21 MS. JAKOBSEN: I provided copies of my
22 site specific report to each of you. Attached to
23 the beginning part of the report, which I will
24 highlight briefly in a moment, just so you
25 understand, attached are some 2007 aerials with the



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2 subject parcel outlined in orange, and this is
3 followed by photos that were taken by our
4 compliance and enforcement person, Larry Heinz.

5 The first one is a view westward on Hot
6 Water Street. Then a second one is a view westward
7 on Hot Water Street also, further down a little
8 bit.

9 Then the photo 3 shows the intersection
10 of Hot Water Street and Toppings Path. The subject
11 parcel is on the southwest corner of Hot Water
12 Street and Toppings Path.

13 Then, the last photo is a view as we
14 travel down on foot on Toppings Path.

15 So basically, on July 6th, myself and
16 Larry Heinz, our compliance enforcement
17 coordinator, went out to the field to visit the
18 subject parcel. We drove using a four-wheel drive
19 vehicle. We entered from County Route 51, and
20 traveled along Hot Water Street. We headed west on
21 Hot Water Street, which is rather a dirt road.
22 They had it rutted in places.

23 We traveled along there until we reached
24 a series of rather large puddles, which you will
25 see in the attached photo, which we could not drive

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2 through with the vehicle. From that point, we
3 traveled by foot, continuing west on Hot Water
4 Street, past the Ringhoff parcels that were
5 inactive agriculture, to the intersection of Hot
6 Water Street and Toppings Path. That's the parcel
7 which, again, is depicted in one of the attached
8 photos.

9 MS. PRUSINOWSKI: I'm sorry for
10 interrupting, but how did you know that was the
11 intersection of Hot Water and Toppings? Was it
12 based on aerials?

13 MS. JAKOBSEN: We looked at the -- based
14 on aerials and also what we experienced being out
15 on the specific site.

16 The Ringhoff property, the actual
17 agricultural piece, we passed along Hot Water
18 Street and you could see the agricultural piece as
19 you looked south, and then you come to that
20 intersection of Toppings Path and Hot Water Street.

21 MR. ISLES: Toppings Path is a street --
22 and you can see it in the aerial photographs?

23 MS. JAKOBSEN: Yes.

24 From that point, we traveled south along
25 Toppings Path. The road is a dirt road, very

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2 stoney in nature. We walked the distance of
3 Toppings Path South, until with the Ringhoff
4 agriculture -- excuse me, the Ringhoff parcels that
5 were inactive agriculture were to our east, and
6 along Toppings Path.

7 We walked as far down until we could see
8 in the distance the cars traveling along County
9 Route 111, and then we stopped at that point and
10 returned back up Toppings Path and to our vehicle.
11 The road along Toppings Path, again, was dirt;
12 fairly consistent. In terms of nature, it was very
13 stoney. It was a dirt path.

14 MS. PRUSINOWSKI: There was no
15 indication that there had ever been any structure
16 placed on that road?

17 MS. JAKOBSEN: No.

18 MR. SCULLY: Questions for Ms.
19 Jakobsen?

20 MR. MILAZZO: I want to clarify, with
21 respect to Hot Water Street and Toppings Path.
22 Both of those, we learned in the last go around
23 with the Ringhoffs, both of those were old Town of
24 Brookhaven roads, which the town by resolution had
25 dedicated -- conveyed over to the County, and now

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2 they are actually in the inventory of the County
3 Parks Department, so they are actually -- they are
4 not paper streets, as I.E. on an undeveloped map.
5 They are all County roads, historical roads that
6 are now in the custody of the County Parks
7 Department.

8 In the first litigation we submitted an
9 affidavit of Ms. Gibbons, attesting to the fact
10 that they are in the possession of the County Parks
11 Department and they are not maintained by the
12 County Parks Department.

13 Judy, you indicated that you were there,
14 but I think this question is probably better suited
15 to Larry.

16 Can you state your name.

17 MR. HEINZ: My name is Lawrence Heinz.
18 I am the compliance and enforcement coordinator for
19 the Central Pine Barrens Commission.

20 MR. MILAZZO: You were with Judy on the
21 day of the inspection?

22 MR. HEINZ: Yes, sir.

23 MR. MILAZZO: Did you take those
24 photos?

25 MR. HEINZ: Yes, I did.

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2 MR. MILAZZO: And have you seen those?

3 MR. HEINZ: Yes, I did.

4 MR. MILAZZO: And do they fairly and
5 accurately represent what you saw that day?

6 MR. HEINZ: Yes, they do. That's
7 correct.

8 MR. MILAZZO: Judy, was there any
9 difference between the intersection of the two
10 streets, Hot Water and Toppings Path, and the road,
11 as you went further south on Toppings Path?

12 MS. JAKOBSEN: It basically was
13 consistently a dirt road that was very stoney in
14 nature.

15 MR. MILAZZO: I think I just have two
16 other things I want to introduce. I will just read
17 one of them into the record.

18 At issue here is the Commission's plan,
19 Section 6766, which reads as follows: "Issuance of
20 the full Pine Barrens' credit for certain road
21 front parcels: The Pine Barrens' credit
22 clearinghouse may elect to allocate one full Pine
23 Barrens' credit for a parcel of land consisting of
24 at least 4,000 square feet with frontage on an
25 existing improved road."

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2 I would just like to mark this as
3 Exhibit Number 3. This is just a copy of the
4 decision from Justice Rebolini.

5 (Exhibit No. 3 was so marked
6 and received in evidence.)

7 MR. SCULLY: Are there any questions for
8 Mr. Milazzo?

9 MR. SHEA: Are there any filed access to
10 Toppings Path that cover these portions up these
11 outlying streets?

12 MS. JAKOBSEN: I am not aware of that.
13 I am not familiar with that. I would defer to
14 John.

15 MR. MILAZZO: I haven't seen any, but
16 the distinct issue for the Commission was whether
17 this was an existing improved road.

18 MR. SHEA: I understand.

19 MR. MILAZZO: Judy, in your opinion,
20 given your experience with the Commission's staff
21 was this an existing improved road?

22 MS. JAKOBSEN: It's not, it's a dirt
23 road.

24 MR. MILAZZO: Is it any different from
25 any of the other parcels, any of the roads as they

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2 exist in the other Ringhoff parcels?

3 MS. JAKOBSEN: No.

4 MR. MILAZZO: Thank you.

5 MR. SCULLY: Are there any other
6 questions from the staff or anything further for
7 Mr. Milazzo.

8 (No response.)

9 Is not I will close the hearing. We
10 hope to make a determination at the August meeting.

11 Is there any other matter?

12 (No response.)

13 If not, a motion to adjourn is in order.

14 (Whereupon, the meeting was adjourned at
15 3:21 p.m.)

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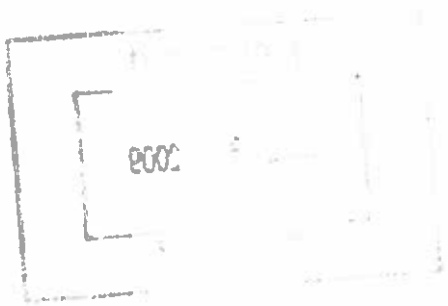
C E R T I F I C A T I O N

I, MONIQUE CABRERA, a Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the above proceedings in the Ringhoff Family matter, on July 15, 2009, at the Quogue Wildlife Refuge, 3 Old Country Road, Quogue, New York, and that to the best of my ability, the above proceedings are an accurate transcription of what transpired at that time and place.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of July, 2009.

Monique Cabrera
 MONIQUE CABRERA *MC*
 Shorthand Reporter





A	4:20	body	compliance	10:6
ability	asked	4:18,18	7:4,16 10:18	D
14:9	6:6	Box	conclude	D
able	assume	2:4	6:5	3:2
6:3	5:10	Brenda	consistent	date
access	attached	1:16 3:24	9:12	6:10
12:9	6:22,25 7:25	briefly	consistently	day
accurate	8:7	6:24	11:13	10:21 11:5
14:10	attend	Brookhaven	consisting	14:13
accurately	5:10	3:19,25 9:24	11:23	decision
11:5	attesting	C	contained	12:4
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8:16	attorneys	14:3,17	conveyed	12:13
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3:15	August	3:4 4:10	coordinator	4:23
adjourn	13:10	cars	7:17 10:18	denied
13:13	aware	9:8	copies	4:18
adjourned	12:12	Central	6:21	denying
13:14	A5	3:7 4:14	copy	5:14
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8:22	B	certain	corner	10:3,7,11,12
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6:25 8:12,14	9:10	certify	correct	8:7
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4:16	bit	5:13,19	credits	7:18,25
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			custody	

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7:18	9:12 11:4	Gibbons	hopefully	issue
<hr/> E <hr/>	familiar	10:9	6:5	5:12 11:18
E	12:13	give	Hot	12:16
3:2,2 14:1	family	6:8	3:18 5:19,20	I.E
east	1:6 3:12	given	6:19 7:5,7	10:4
9:5	4:13 14:7	5:6 12:20	7:10,11,20	<hr/> J <hr/>
elect	far	go	7:21 8:3,5	Jakobsen
11:22	9:7	6:6 9:22	8:11,17,20	6:21 8:13,23
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3:13 4:12	6:18	13:9	interpret...	Kabot
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5:20,22 6:2	4:24	7:4,16 10:17	interrupting	know
6:17,19	four-wheel	10:17,22,25	8:10	8:10
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12:20	frontage	highlight	11:9	large
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<hr/> F <hr/>	11:20,22	2:5	inventory	7:4,16 10:15
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fairly	G	hope	Issuance	
	3:2	13:10	11:19	

Lawrence 10:17 learned 9:22 left 5:21 Lesko 3:25 letter 4:17 letters 4:15 Levy 4:3 Linda 3:23 litigation 10:8 little 7:7 LLC 1:8 3:12 4:13 located 3:17 5:18 looked 8:13,19 lot 4:10,11 5:2 5:17,21,25 6:7,17	Marty 3:22 matter 1:4 6:5,13 6:16 13:11 14:7 meeting 6:4 13:10,14 Milazzo 2:3 4:6,7,8 9:20 10:20 10:23 11:2 11:4,8,15 12:8,15,19 12:24 13:4 13:7 moment 6:24 MONIQUE 14:3,17 motion 13:13	<hr/> O <hr/> O 3:2 14:1 office 5:8 old 3:10 9:23 14:8 opinion 12:19 orange 7:2 order 3:5 4:16 13:13 outlined 7:2 outlying 12:11 owned 3:12 owns 4:13	<hr/> P <hr/> P 3:2 PANEL 1:14 paper 10:4 parcel 3:11,14,16 7:2,11,18 8:6 11:23 parcels 4:14,24 5:15 5:16 6:7 8:4 9:4 11:21 12:25 13:2 Parks 10:3,6,10,12 part 6:23 particular 5:5 6:14	passed 8:17 path 3:18 5:18,22 5:25 6:18 7:10,12,14 8:6,20,21 8:25 9:3,6 9:10,11,13 9:21 11:10 11:11 12:10 Patterson 4:5 person 7:4 Peter 1:15 4:4 photo 7:9,13,25 photographs 8:22 photos 7:3 8:8 10:24 piece 8:17,18 Pine 1:2 2:1 3:7 3:15 4:14 10:19 11:20 11:21,22 place 14:11 placed 9:16 places 7:22 plan 11:18 Planning 3:7 point 8:2,24 9:9 Policy 3:8 portions 12:10	possession 10:10 probably 10:14 proceeding 4:21 proceedings 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:6,10 property 8:16 provide 3:21 provided 6:21 Prusinowski 1:16 3:24,24 8:9 9:14 public 3:5,6,8 14:4 puddles 7:24 p.m 1:13 3:3,9 13:15 P.O 2:4
<hr/> M <hr/> mailed 5:8 maintained 10:11 Manorville 3:19 map 3:11 10:4 mark 3:25 12:2 marked 12:5 Martin 1:17	<hr/> N <hr/> N 3:2 14:1 name 10:16,17 names 3:21 narrow 6:20 nature 9:2,12 11:14 New 2:6 3:10 14:5,8 Notary 14:4 noted 5:23 notice 3:6 5:6,8 Number 3:12 4:11,13 12:3	<hr/> Q <hr/> Q question 10:14 questions 9:18 12:7 13:6 Quogue 3:9,10 14:7 14:8	<hr/> R <hr/> R 3:2 14:1 reached 7:23 read		



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3:5 11:16	1:6 3:12 8:4	7:25 8:18,22	5:14,16	3:11 4:11
reads	8:16 9:3,4	9:7	Steve	telephone
11:19	13:2 14:6	seen	4:3	5:7
reason	Ringhoffs	5:10 11:2	Stiles	terms
3:16	4:20 5:3	12:15	5:6,6	9:12
Rebolini	9:23	series	stoney	Thank
4:21,22 5:23	Ringhoff's	7:24	9:2,13 11:13	4:7 13:4
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3:21 11:17	7:21 8:25	7:9	9:21	14:11
Refuge	8:25 9:11	side	streets	today
3:10 14:8	9:16 11:10	3:17	10:4 11:10	4:9 5:11 6:3
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Reporter	5:17 9:24	sole	9:15	1:18 4:2
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11:5	Route	8:9	submitted	5:24 6:18
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respect	13:5	11:24	14:1,1	7:14
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13:8,12	Section	12:20 13:6	taken	8:24
returned	11:19	state	7:3	traveling
9:10	see	10:16 14:5	Tax	9:8
Ringhoff		stated		turn

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PINE BARRENS COMMISSION
-----X

In the Matter of the hearing of:

RINGHOFF FAMILY
-----X

LLC #1 SCTM#
(200-512-1-15, 17, 18, 21; 200-562-4-21)

Quogue Wildlife Refuge
3 Old Country Road
East Quogue, New York 11942

Wednesday,
July 15, 2009

The above entitled matter came on for hearing at 3:05 p.m.

PANEL:

Peter Scully
Brenda Prusinowski
Martin Shea
Tom Isles
John Turner



Telephone: 516.741.5235
Facsimile: 516.741.1460

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PINE BARRENS COMMISSION

In the Matter of the hearing of:

RINGHOFF FAMILY

LLC #1 SCTM#
(200-512-1-15, 17, 18, 21;
200-562-4-21)

July 15, 2009
3:05 p.m.

PANEL
Peter Scully
Brenda Prusinowski
Martin Shea
Tom Isles
John Turner

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PROCEEDINGS

(3:05 p.m.)

MR. SCULLY: I would like to call the public hearing to order. I will read from the public notice:

The Central Pine Barrens Joint Planning and Policy Commission will hold a public hearing on July 15, 2009 at 3:00 p.m., at the Quogue Wildlife Refuge, 3 Old Country Road, Quogue, New York, to determine whether Suffolk County Tax Map parcel Number 200-512-1-15, owned by Ringhoff Family LLC #1, has frontage on an existing improved road, and to determine whether the parcel is entitled to receive an additional allocation of Pine Barrens' Credits for any reason. The 5.11 acre parcel is zoned A5 Residential and located on the west side of Toppings Path, south of Hot Water Street, Manorville, in the town of Brookhaven.

I would like the representatives to provide their names on the record.

MR. SHEA: Marty Shea, representing the Southampton Town, Supervisor, Linda Kabot.

MS. PRUSINOWSKI: Brenda Prusinowski, representing Brookhaven Town Supervisor Mark Lesko.

1 On Behalf of the Pine Barrens:
2
3 JOHN MILAZZO, ESQ.
4 P.O. Box 587
5 3525 Sunrise Highway - 2nd Floor
6 Great River, New York 11739-0587
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Proceedings
MR. ISLES: Tom Isles, representing Suffolk County Executive Steve Levy.
MR. SCULLY: Peter Scully, representing Governor Patterson.

You will hear now from Mr. Milazzo.
MR. MILAZZO: Good afternoon. Thank you. I'm John Milazzo, staff counsel.

We are here today to have a hearing on whether what we call lot 15, which is Suffolk County Tax Lot Number 200-512-1-15 is on an existing improved road. Just as a way of background, Ringhoff's family LLC Number 1 owns five parcels in the Central Pine Barrens. They have received letters of interpretation, allocated on the order of 24.22 credits. They appealed those allocations contained in the letter of interpretation from this body. This body denied the appeal.

The Ringhoffs then commenced an Article 78 proceeding which was heard by Justice Rebolini in Suffolk County Supreme Court. Justice Rebolini upheld the allocations and the denial of the appeal for four of the parcels, and the Judge directed the Commission to hold a hearing to determine whether



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1 Proceedings
 2 lot 15 is on an existing improved road.
 3 As you may recall, the Ringhoffs were
 4 represented by Twomey, Latham & Shea, that was
 5 their attorneys, and the attorney in particular was
 6 Lauren Stiles. Ms. Stiles was given notice by
 7 telephone. I have spoken with her about today's
 8 hearing. We also mailed to her office a notice of
 9 today's hearing. She indicated she would not
 10 attend, and I have not seen her yet, so I assume
 11 she is not going to be here today.
 12 The issue in the hearing is whether that
 13 is an existing improved road. The Commission's
 14 resolution denying the appeal specifically stated
 15 that three of the parcels were not -- excuse me,
 16 specifically stated that two of the three parcels
 17 were not on existing improved roads. Lot 15 is
 18 located on the intersection of Toppings Path and
 19 Hot Water Street. The Commission's resolutions
 20 said Hot Water Street, is not an existing improved
 21 road in front of lot 15. It left out that Toppings
 22 Path also wasn't an existing improved road.
 23 Justice Rebolini correctly noted that
 24 the Commission did not make a finding that Toppings
 25 Path, in the immediate vicinity of Lot 15, was or

1 Proceedings
 2 subject parcel outlined in orange, and this is
 3 followed by photos that were taken by our
 4 compliance and enforcement person, Larry Heinz.
 5 The first one is a view westward on Hot
 6 Water Street. Then a second one is a view westward
 7 on Hot Water Street also, further down a little
 8 bit.
 9 Then the photo 3 shows the intersection
 10 of Hot Water Street and Toppings Path. The subject
 11 parcel is on the southwest corner of Hot Water
 12 Street and Toppings Path.
 13 Then, the last photo is a view as we
 14 travel down on foot on Toppings Path.
 15 So basically, on July 6th, myself and
 16 Larry Heinz, our compliance enforcement
 17 coordinator, went out to the field to visit the
 18 subject parcel. We drove using a four-wheel drive
 19 vehicle. We entered from County Route 51, and
 20 traveled along Hot Water Street. We headed west on
 21 Hot Water Street, which is rather a dirt road.
 22 They had it rutted in places.
 23 We traveled along there until we reached
 24 a series of rather large puddles, which you will
 25 see in the attached photo, which we could not drive

1 Proceedings
 2 was not an existing improved road. That's why we
 3 are here today. With this hearing we will be able
 4 to make the resolution and at the next meeting,
 5 hopefully, conclude this matter.
 6 I have asked staff to go out and inspect
 7 the parcels, lot 15, and staff was out there. I
 8 will turn this over to Judy just to give you a
 9 staff report and, also, what you did with respect
 10 to the inspection, the date, and I think you have
 11 some exhibits as well.
 12 MR. SCULLY: If I may clarify, the
 13 sole matter before this Commission today is the
 14 determination as to whether or not this particular
 15 stretch of road is an improved road. That is the
 16 only matter before the commission, which is whether
 17 lot 15 on an existing improved road, specifically
 18 Toppings Path. The Commission has already found
 19 Hot Water Street is not an existing improved road.
 20 It's a very narrow charge
 21 MS. JAKOBSEN: I provided copies of my
 22 site specific report to each of you. Attached to
 23 the beginning part of the report, which I will
 24 highlight briefly in a moment, just so you
 25 understand, attached are some 2007 aerials with the

1 Proceedings
 2 through with the vehicle. From that point, we
 3 traveled by foot, continuing west on Hot Water
 4 Street, past the Ringhoff parcels that were
 5 inactive agriculture, to the intersection of Hot
 6 Water Street and Toppings Path. That's the parcel
 7 which, again, is depicted in one of the attached
 8 photos.
 9 MS. PRUSINOWSKI: I'm sorry for
 10 interrupting, but how did you know that was the
 11 intersection of Hot Water and Toppings? Was it
 12 based on aerials?
 13 MS. JAKOBSEN: We looked at the -- based
 14 on aerials and also what we experienced being out
 15 on the specific site.
 16 The Ringhoff property, the actual
 17 agricultural piece, we passed along Hot Water
 18 Street and you could see the agricultural piece as
 19 you looked south, and then you come to that
 20 intersection of Toppings Path and Hot Water Street.
 21 MR. ISLES: Toppings Path is a street --
 22 and you can see it in the aerial photographs?
 23 MS. JAKOBSEN: Yes.
 24 From that point, we traveled south along
 25 Toppings Path. The road is a dirt road, very

1 Proceedings
 2 stoney in nature. We walked the distance of
 3 Toppings Path South, until with the Ringhoff
 4 agriculture -- excuse me, the Ringhoff parcels that
 5 were inactive agriculture were to our east, and
 6 along Toppings Path.

7 We walked as far down until we could see
 8 in the distance the cars traveling along County
 9 Route 111, and then we stopped at that point and
 10 returned back up Toppings Path and to our vehicle.
 11 The road along Toppings Path, again, was dirt;
 12 fairly consistent. In terms of nature, it was very
 13 stoney. It was a dirt path.

14 MS. PRUSINOWSKI: There was no
 15 indication that there had ever been any structure
 16 placed on that road?

17 MS. JAKOBSEN: No.

18 MR. SCULLY: Questions for Ms.
 19 Jakobsen?

20 MR. MILAZZO: I want to clarify, with
 21 respect to Hot Water Street and Toppings Path.
 22 Both of those, we learned in the last go around
 23 with the Ringhoffs, both of those were old Town of
 24 Brookhaven roads, which the town by resolution had
 25 dedicated -- conveyed over to the County, and now

1 Proceedings
 2 MR. MILAZZO: And have you seen those?
 3 MR. HEINZ: Yes, I did.

4 MR. MILAZZO: And do they fairly and
 5 accurately represent what you saw that day?

6 MR. HEINZ: Yes, they do. That's
 7 correct.

8 MR. MILAZZO: Judy, was there any
 9 difference between the intersection of the two
 10 streets, Hot Water and Toppings Path, and the road,
 11 as you went further south on Toppings Path?

12 MS. JAKOBSEN: It basically was
 13 consistently a dirt road that was very stoney in
 14 nature.

15 MR. MILAZZO: I think I just have two
 16 other things I want to introduce. I will just read
 17 one of them into the record.

18 At issue here is the Commission's plan,
 19 Section 6766, which reads as follows: "Issuance of
 20 the full Pine Barrens' credit for certain road
 21 front parcels: The Pine Barrens' credit
 22 clearinghouse may elect to allocate one full Pine
 23 Barrens' credit for a parcel of land consisting of
 24 at least 4,000 square feet with frontage on an
 25 existing improved road."

1 Proceedings
 2 they are actually in the inventory of the County
 3 Parks Department, so they are actually -- they are
 4 not paper streets, as I.E. on an undeveloped map.
 5 They are all County roads, historical roads that
 6 are now in the custody of the County Parks
 7 Department.

8 In the first litigation we submitted an
 9 affidavit of Ms. Gibbons, attesting to the fact
 10 that they are in the possession of the County Parks
 11 Department and they are not maintained by the
 12 County Parks Department.

13 Judy, you indicated that you were there,
 14 but I think this question is probably better suited
 15 to Larry.

16 Can you state your name.

17 MR. HEINZ: My name is Lawrence Heinz.
 18 I am the compliance and enforcement coordinator for
 19 the Central Pine Barrens Commission.

20 MR. MILAZZO: You were with Judy on the
 21 day of the inspection?

22 MR. HEINZ: Yes, sir.

23 MR. MILAZZO: Did you take those
 24 photos?

25 MR. HEINZ: Yes, I did.

1 Proceedings
 2 I would just like to mark this as
 3 Exhibit Number 3. This is just a copy of the
 4 decision from Justice Rebolini.

5 (Exhibit No. 3 was so marked
 6 and received in evidence.)

7 MR. SCULLY: Are there any questions for
 8 Mr. Milazzo?

9 MR. SHEA: Are there any filed access to
 10 Toppings Path that cover these portions up these
 11 outlying streets?

12 MS. JAKOBSEN: I am not aware of that.
 13 I am not familiar with that. I would defer to
 14 John.

15 MR. MILAZZO: I haven't seen any, but
 16 the distinct issue for the Commission was whether
 17 this was an existing improved road.

18 MR. SHEA: I understand.

19 MR. MILAZZO: Judy, in your opinion,
 20 given your experience with the Commission's staff
 21 was this an existing improved road?

22 MS. JAKOBSEN: It's not, it's a dirt
 23 road.

24 MR. MILAZZO: Is it any different from
 25 any of the other parcels, any of the roads as they

1 Proceedings
 2 exist in the other Ringhoff parcels?
 3 MS. JAKOBSEN: No.
 4 MR. MILAZZO: Thank you.
 5 MR. SCULLY: Are there any other
 6 questions from the staff or anything further for
 7 Mr. Milazzo.
 8 (No response.)
 9 Is not I will close the hearing. We
 10 hope to make a determination at the August meeting.
 11 Is there any other matter?
 12 (No response.)
 13 If not, a motion to adjourn is in order.
 14 (Whereupon, the meeting was adjourned at
 15 3:21 p.m.)
 16
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1 CERTIFICATION
 2
 3 I, MONIQUE CABRERA, a Shorthand
 4 Reporter and Notary Public, within and for the
 5 State of New York, do hereby certify that I
 6 reported the above proceedings in the Ringhoff
 7 Family matter, on July 15, 2009, at the Quogue
 8 Wildlife Refuge, 3 Old Country Road, Quogue, New
 9 York, and that to the best of my ability, the above
 10 proceedings are an accurate transcription of what
 11 transpired at that time and place.
 12 IN WITNESS WHEREOF, I have hereunto
 13 set my hand this ____ day of July, 2009.
 14
 15
 16 _____
 17 MONIQUE CABRERA
 18 Shorthand Reporter
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A	4:20	body	compliance	10:6
ability	asked	4:18,18	7:4,16 10:18	D
14:9	6:6	Box	conclude	D
able	assume	2:4	6:5	3:2
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			custody	

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7:18	9:12 11:4	Gibbons	hopefully	issue
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One Penn Plaza
Suite 4715
New York, NY 10119



Site Visit Report

7/15/09 Attachment# (6 pgs)
Staff Exhibit 2
7/15/2009

Parcel: SCTM # 200-512-1-15

Size: 5.11 acres

Credit Allocation: 0.82 PBCs (Letter of Interpretation dated 9/4/07 (renewal))

Location: Southwest corner of Hot Water Street and Toppings Path, Manorville,
Town of Brookhaven

Owner: Ringhoff LLC #1

Date of Site Visit: Monday, July 6, 2009

Weather Conditions: Sunny

Performed by: Judy Jakobsen, Policy & Planning Manager &
Larry Hynes, Compliance & Enforcement Coordinator

On this day, we drove using a 4 wheel drive vehicle to the parcel located on Toppings Path by entering from CR 51 (East Moriches Riverhead Road). Starting from CR51 we traveled west along Hot Water Street, a dirt road, badly rutted in places until we reached a series of extremely large puddles that were impassible (See Photo #1 & #2). The company vehicle was turned around and parked to face east, (direction we entered from) on Hot Water Street. We walked from this point west along Hot Water Street past the Ringhoff parcels in active agricultural use, to where Hot Water Street and Toppings Path intersect. The subject parcel is located along the southwest corner of Hot Water Street and Toppings Path (Photo #3). We walked south on Toppings Path from this intersection, noting that the dirt road was a fairly narrow and stony dirt path (Photo #4). We walked south on Toppings Path until we could see in the distance vehicles moving on CR 111. The stretch of Toppings Path we walked was fairly uniform in character the entire length, i.e., a narrow dirt road. At this point we turned around and walked back (north) on Toppings Path and then east on Hot Water Street to where our vehicle was parked and exited the area by driving the vehicle east to CR 51.





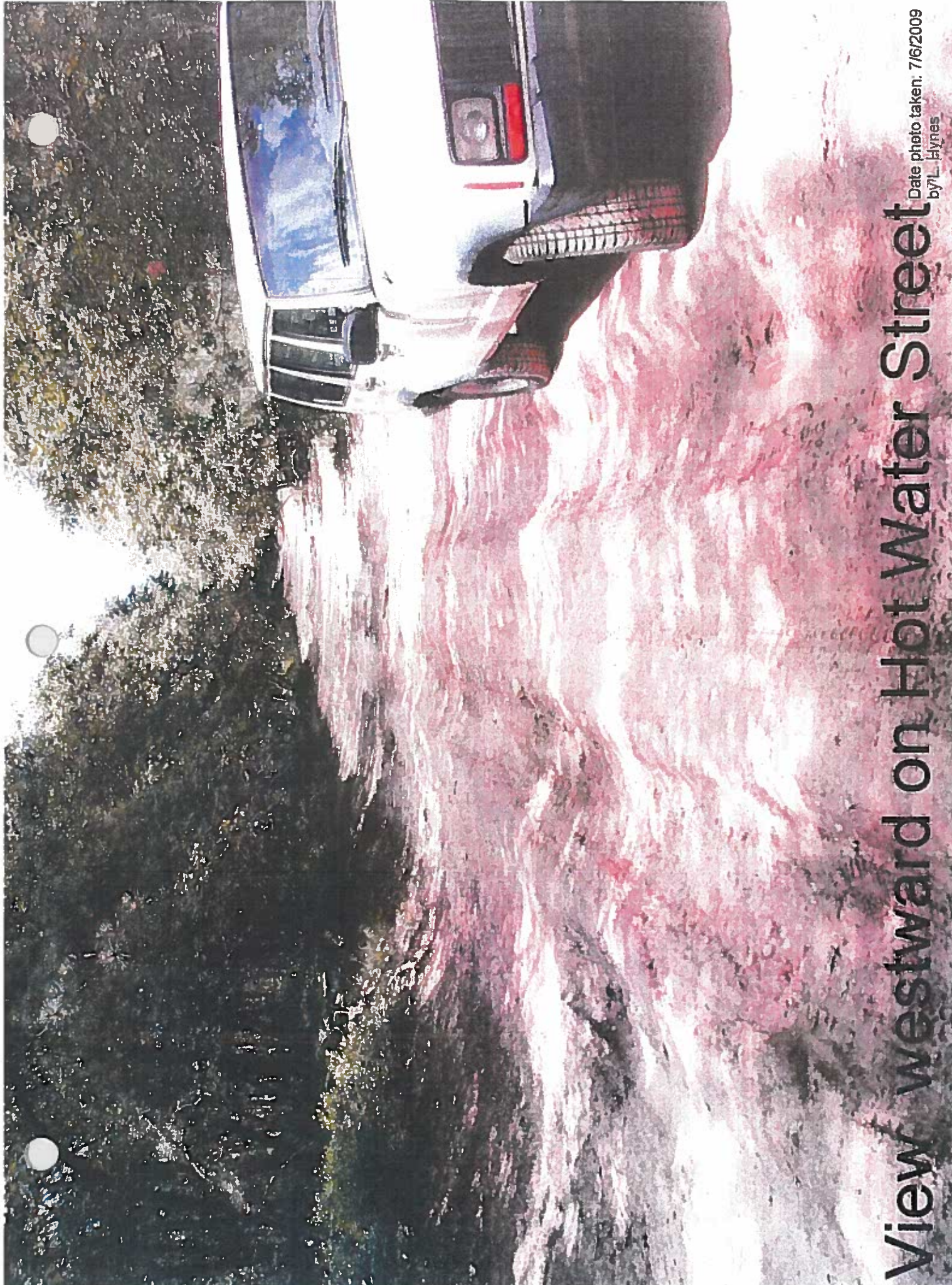
Note: This map is intended for general reference only. It is not intended for legal interpretation or jurisdictional purposes or other precise purposes. Information shown on this map has not been verified and contains errors, omissions, and/or omissions.

Spring 2007 Digital Orthomage, NYS Digital Orthomage Program, NYSDSPIC
Sholk County Real Property Tax Service Agency
815 Basemap COPYRIGHT County of Suffolk, July

prepared by J Jakobsen 7/1/2009

**200-512-1-15
Ringhoff LLC#1
2007 Aerial**





View westward on Hot Water Street
Date photo taken: 7/6/2009
by L. Hynes

PL 10 #1





View westward on Hot Water Street

Date photo taken 7/6/2009
By: J. Hynes



200-512-1-15

Toppings Path

Hot Water Street

Corner of Hot Water Street and Toppings Path
(road past tree branch)

Date photo taken: 7/6/2009
By: L. Hynes





Loghoff Farm

Toppings Path view south

Date photo taken: 7/8/2009
By: L. Hines

