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

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Brenda Prusinowski, Town of Brookhaven

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TWOMEY LATHAM SHEA KELLEY DUBIN & QUARTARARO, LLP
33 West Second Street
Riverhead, NY 11901

By: Lauren Elizabeth Stiles, Esq.

named spelled wrong
should be: Gallagher



pg. Appearance

Add affiliations

Judith Jakobsen Commission Staff
John Turner, Town of Brookhaven

Carrie
Gallegher

Correct Gallasher to Gallegher
thru out transcripts

pg. 22 line 8 8/5 chg to A-5

Q

What happens next to those 650+ parcels with conservation easements ?

Are they "used up" ? Abandoned ? Forgotten ?



The correct answer is "none of the above". Once enrolled in the Credit Program, parcels remain private property unless sold (public parcels are not eligible for Credit allocations!).

As time passes, our experience shows that the newly enrolled private parcels may . . .

- Remain in the original owner(s) hands,
- Be sold to other private parties,
- Help create "estate" qualities near developed lots,
- Be purchased by government (e.g., Suffolk County) for preservation, or
- Be donated to private or public preservation entities.

In any event, the conservation easement is permanent and its terms apply ! The Commission inspects these parcels and enforces the easements !

The Pine Barrens Credit Program complements the Elm, the Truss, and the Ledge programs to help preserve a piece of our historic pine barrens landscape. The barrens once covered much of Long Island, as shown in this circa 1900 image from the Patchogue area.

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CENTRAL PINE BARRENS
JOINT PLANNING & POLICY COMMISSION

IN THE MATTER OF
THE PUBLIC HEARING ON
THE APPLICATION OF
THE RINGHOFF FAMILY, LLC#1

200 Howell Avenue
Riverhead, New York

October 17, 2007

3:07 p.m.



MINUTES OF MEETING

Joan Livoti,
Court Reporter





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Governor George Pataki**

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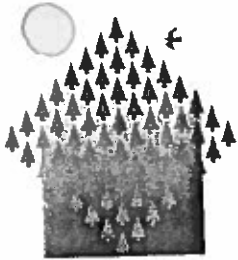
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**CENTRAL
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JOINT
PLANNING
&
POLICY
COMMISSION

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

P.O. Box 587
3525 Sunrise
Highway
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Great River, NY
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Fax Cover Sheet

To: Rosemary Morellino

Organization: stenographer

Fax number: 631-654-0450

From: Robin Hills

Voice number: 631-218-1195

Date: 11-9-07

Pages following this cover sheet: 3

Subject: Transcript - Ringhoff

Message:





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&
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COMMISSION

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Linda A. Kabot
Member

Steven A. Levy
Member

Fax Cover Sheet

To: Maia Socei

Organization: Suzanne Hmd + Associates

Fax number: 631-277-9798 /tel # 631-277-2700

From: Robin Mills

Voice number: 631-218-1195

Date: 1-8-08

Pages following this cover sheet: 3 (three)

Subject: The Rughobb Family

Message:

Please redo transcript
& make corrections.
Thank you.

P.O. Box 587
3525 Sunrise
Highway
2nd Floor
Great River, NY
11739-0587

Phone (631) 224-2604
Fax (631) 224-7653
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Change to
A-5

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2/14/08- corrections done
by Robin Mill

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For the Applicant:

14

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15

33 West Second Street

Riverhead, NY 11901

16

By: Lauren Elizabeth Stiles, Esq.

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2 MR. SCULLY: I would like to call the
3 hearing to order. I'll read from the public
4 notice, which I guess can be incorporated
5 verbatim into the record. I will ask the
6 representatives on the commission to
7 identify themselves for the record.

8 MS. PRUSINOWSK: Brenda Prusinowski
9 representing Brookhaven Town Supervisor
10 Brian X. Foley.

11 MR. BARTUNEK: George Bartunek
12 representing the Town of Riverhead.

13 MS. GALLASHER: Carrie Gallasher
14 representing Suffolk County Executive Steve
15 Levy.

16 MR. SHEA: Marty Shea representing
17 Southampton Town Supervisor Patrick Heaney.

18 MR. SCULLY: I'm Peter Scully
19 representing Governor Elliot Spitzer.

20 I'll read from the notice. This is a
21 credit appeal on a property in the area west
22 of East Moriches-Riverhead Road, east of
23 Toppings Path, south of Hot Water Street in
24 Manorville, Town of Brookhaven. The
25 applicant seeks to obtain one Pine Barrens



1
2 credit per acre. The total acreage involved
3 in the request is 151.24 acres. Zoning is
4 A-5 residential. I'll turn to staff.

5 MS. JAKOBSEN: I have a number of
6 staff exhibits to admit into the record. I
7 have given the stenographer a copy of the
8 staff exhibit entitled Staff Exhibit A. It
9 has five components. I will briefly go
10 through them, the majority of which should
11 have been in a packet that was sent to you.
12 The first item would be the staff report
13 that I prepared on October 11, 2007. There
14 is also an aerial map that shows publicly
15 owned and protected land in the project
16 vicinity. A copy of that is on the dais up
17 front there in case you want to look at
18 that. There is also, A-3 would be the area
19 topography in the vicinity of the subject
20 parcel. The fourth one is related to the
21 tax map section, and there is a copy of that
22 in front of you on the dais up there which
23 may be helpful during the discussion on this
24 appeal. And the last item I just handed out
25 to you is a photo log taken during our site



1
2 visit to the property on October 5th.

3 That's all I have.

4 (The above-referred to packet
5 of documents was marked as Staff
6 Exhibit A, as of this date.)

7 MR. SCULLY: Thank you. Is a
8 representative here of the applicant.

9 MS. STILES: Yes. My name is Lauren
10 Stiles. I'm an attorney with Twomey,
11 Latham, Shea, Kelley, Dubin, and Quartaro,
12 LLP. I represent the Ringhoff Family, LLC
13 and the individual members of the family
14 that are the beneficial owners of the
15 property.

16 Ms. Jakobsen is handing out a packet
17 that is 17 pages long. It contains the
18 original appeal letter, just for your ease
19 of reference, I'm not sure if you all have
20 copies with you, a letter from County
21 Legislator Edward Romaine, just a Google map
22 of the area to help you identify where it is
23 in the Pine Barrens, a tax map, which is the
24 same tax map as the one that Ms. Jakobsen
25 just referenced. It has yellow highlighting



1
2 on it that depicts the parcels. Then
3 photocopies of aerial images, which you may
4 not need since you have the staff exhibits.
5 It just depicts the entire property and the
6 roads along it. The very last item in the
7 17 page packet is a 2005 Letter of
8 Interpretation for one of the parcels. We
9 will get to that in a little while.

10 MR. MILAZZO: We can mark that as
11 Ringhoff Exhibit 1.

12 (The above-referred to packet of
13 documents was marked as Ringhoff Exhibit 1,
14 as of this date.)

15 MS. STILES: I'll use this and give it
16 into the record. These are five different
17 tax maps that are bordered by Topping Path,
18 Hot Water Street, County Route 111, and a
19 little bit on the very bottom of the largest
20 parcel, County Route 51. The Appellant
21 didn't receive the number of credits that we
22 had asked for from the clearinghouse, and
23 that's why we are here appealing. If you
24 take a look at the tax map, which is the
25 yellow item in your packet, that would be



1
2 the yellow highlighted item in Ringhoff
3 Exhibit 1, the largest parcel is 139 acres,
4 and it received 22.36 credits. Actually, I
5 don't want to start with that parcel. Let's
6 go in the order of tax map numbers.

7 Lot 15, which is the top left
8 triangular lot on the map, is a 5.116 acre
9 parcel. In the first Letter of
10 Interpretation from 2005, there was a Letter
11 of Interpretation on this parcel that
12 granted one full credit for this parcel and
13 recognized that the parcel had frontage on
14 an existing improved road. The only two
15 roads that parcel has frontage on are Hot
16 Water Street and Topping Path. Those two
17 roads are not a paved road like the LIE or
18 Sunrise Highway, but I think they clearly
19 fall within the definition of improved road,
20 and as you know, the commission has
21 interpretive powers under the act. The
22 roads are improved; they are not improved to
23 the extent that the LIE is improved, but
24 they have been graded, they have a very
25 compact, drivable surface. Myself, I have



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2 driven both of these roads, and Topping Path
3 toward the very southern end is a bit more
4 difficult to drive now, but I think the time
5 period we are looking at is right at the
6 passage of the Pine Barrens Act as the time
7 frame for the drivability of the road or
8 improvement of the road.

9 These roads have been maintained by
10 the Town and County, and in the appeal
11 packet that I sent in to the commission,
12 there were some exhibits showing that the
13 roads were actually -- they have been
14 publicly owned roads for over a hundred
15 years, and the roads have never been
16 abandoned by the municipalities. They are
17 still on the tax maps as roads. Clearly, if
18 they weren't actual roads, they would have
19 been abandoned and given back to my client,
20 who owns property on both sides of the road.

21 I think the main question for you to
22 address today is whether or not these are
23 improved roads and what does that mean under
24 the Pine Barrens Act. I think this is a
25 very unique situation. I doubt there are



1
2 many other dirt roads that are actually
3 legal in the Pine Barrens. We have many
4 dirt roads that are illegal that have been
5 opened up by private owners without
6 permission or people that don't even own the
7 property perhaps, but these roads way
8 pre-exist the Pine Barrens Act. They
9 pre-exist the zoning. They are legal to
10 drive on. You can drive on them. I think
11 my client should receive the increase in
12 credit allocation that can be given for
13 improved roads.

14 That also plays into the fact that
15 this parcel, if he developed his parcel when
16 the Pine Barrens Act was passed, he
17 definitely would have had less
18 infrastructure cost than people who are not
19 on or near an improved road. I think that
20 should also be taken into consideration in
21 granting increased credits to him.

22 MR. SCULLY: To interject, just so I
23 clearly understand, it's your position that
24 the roads need not be paved to be considered
25 improved.



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MS. STILES: Right.

MR. SCULLY: Are the roads maintained by the County?

MS. STILES: The roads were maintained by the Pine Barrens Act and for some time thereafter.

MR. SCULLY: Define "maintained" for me.

MS. STILES: Coming in with heavy equipment grader. If you have ever seen those machines that have a large shovel on the site.

MR. SCULLY: Are you submitting documentation that the Town was maintaining those roads prior to the act?

MS. STILES: I do not have documentation, but my client has explained to me that he knows they were doing that, and I personally, since within the last three years, have seen such machines on Hot Water Street which makes me think that has also been done to Topping Path. If you look at the roads themselves, they look like they have been maintained in the past three



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years.

MS. PRUSINOWSKI: The Highway Department can provide you with a letter which indicates that it is or is not town maintained.

MS. STILES: I don't think it is maintained any longer. I think after the passage of the Pine Barrens Act there was no incentive to maintain such roads because there was no development.

MS. PRUSINOWSKI: You said you saw that equipment a few years ago.

MS. STILES: On Hot Water Street. Topping Path is the one not necessarily being maintained at the present time. Actually, the Protective Lands Council, which is affiliated with this body, has actually done maintenance and clean-up efforts on these roads. I think the question is, what is improvement? Clearly, something like the LIE is improved. That's about as improved as you can get. There are different levels of improvement. The question is what you are going to give



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2 credit for. I think a legal road that
3 provides legal access held in the name of
4 the public and is drivable should count for
5 something.

6 MR. TURNER: Irrespective of how this
7 is improved, what do you think an unimproved
8 road would be?

9 MS. STILES: An unimproved road would
10 be a paper street that has not been cleared,
11 that is undrivable, just trees. I think
12 when the Pine Barrens Act was passed, there
13 was effort to make a distinction between
14 legitimate roads and roads people just
15 submit on a map as a road.

16 MR. SCULLY: On an '05 map where there
17 is a paper street that hasn't been cleared
18 in a wooded area, would that be considered
19 an unimproved road if it was a paper street
20 on the tax map?

21 MS. STILES: I would consider a paper
22 street that hasn't been cleared, a road that
23 is not legal or public, not an improved
24 road. I don't think you would give
25 increased credit for that. If you are



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2 concerned that the interpretation I'm
3 offering you is going to create a whole
4 bunch of new applications for increased
5 credits because there are a lot of dirt
6 roads in the Pine Barrens, I think that,
7 from the research I conducted, this is the
8 only road I can find that had any town or
9 county approvals. I spent hours on the
10 phone with the town historian trying to get
11 old documents that are hard to find in
12 government, I'm sure you know.

13 MS. PRUSINOWSKI: What is the status
14 of that effort?

15 MS. STILES: What I submitted with the
16 full application packet -- do they have
17 these with them?

18 MS. JAKOBSEN: They should have been
19 included in the E packet sent to you.

20 MS. STILES: There was Exhibit C,
21 actually, a resolution from the Town of
22 Brookhaven Highway Supervisor from 1914
23 laying out Eastport Calverton Road, which is
24 Topping Path, and it comes with a full
25 survey of the entire road from Eastport all



1
2 the way to Calverton. The end of the road
3 in Calverton is actually a paved road with
4 lighting. It's part of a subdivision. So I
5 think there is unique precedent here. This
6 is not the type of thing where it's going to
7 create a huge number of applications where
8 you have people asking for increased
9 credits.

10 The fact it is not his land, if it was
11 his land and he cleared it himself and was
12 asking for increased credit allocation for
13 that, I could see a concern, because plenty
14 of people would clear their own land, but
15 it's a public road. I think that should
16 count for something.

17 MR. SCULLY: Are you aware that the
18 Town of Brookhaven Town Board voted to
19 abandon it and transfer it to the Suffolk
20 County Parks Department?

21 MS. STILES: Hot Water Street has, but
22 not Topping Path.

23 MR. SCULLY: In fairness to the
24 members of the commission, you are speaking
25 about government records and resolutions.



1
2 I'm aware there is a resolution of the
3 Brookhaven Town Board abandoning it in
4 efforts to maintain it, make it safe for
5 passive users of the Pine Barrens and
6 liability associated with those conditions.

7 MS. STILES: When was that abandoned?

8 MR. SCULLY: 2000 or 2001.

9 MS. STILES: The time frame we are
10 looking at for allocating credits is the
11 date the Pine Barrens was passed.

12 MR. SCULLY: Talking about
13 resolutions.

14 MS. STILES: Okay. I see the current
15 tax maps are showing it as a separate road.
16 It's understandable that after the passage
17 of the act there is little need to have a
18 public road, especially trying to prevent
19 people from doing illegal things in the Pine
20 Barrens, but at the time of the act, these
21 were legitimate roads, public roads. I
22 think that should be considered, and you
23 have, the commission has considered this in
24 the past as a factor in granting the
25 increased credits in one of the Gazza



1
2 applications. There are some precedents,
3 and I'm sure I'll be speaking with Counsel
4 about that after today's meeting.

5 MS. PRUSINOWSKI: The three triangular
6 parcels indicated here; 15, 21, and --

7 MS. STILES: 1-21 and 4-21.

8 MS. PRUSINOWSKI: Were those on the
9 old filed maps to the south or not?

10 MS. STILES: I believe so. When you
11 say "the old filed maps," are you referring
12 to an old filed map on the left side?

13 MS. PRUSINOWSKI: I guess that depends
14 which way you are holding the paper. Yes.
15 If your red blob is on the bottom, yes.

16 MS. STILES: This was an old filed
17 map, and I did submit that as an exhibit
18 with the original application.

19 MS. PRUSINOWSKI: I see that.

20 MS. STILES: I do not believe these
21 triangular lots were part of this old filed
22 map.

23 MS. PRUSINOWSKI: Do you have any
24 proof of that? You are using Topping Path as
25 your argument. If they were part of a



1
2 different map that gives different rights,
3 et cetera, it's potentially a different
4 status.

5 MR. MILAZZO: We are talking about the
6 parcels on the east -- no -- the west side
7 of Topping Path; is that correct?

8 MS. STILES: West side of Topping
9 Path.

10 MR. MILAZZO: Just for clarity of the
11 record.

12 MS. PRUSINOWSKI: It's hard to tell.

13 MS. STILES: This is what I was able
14 to obtain, the old filed map on record with
15 the County, and it was filed in 1892, and
16 there is no clear demarcation of exactly
17 where these lots are, but we tried to line
18 them up as best we could with current tax
19 maps. This appears to be where the lots
20 were, so I don't know if this old filed map
21 is exactly the same one on here. There are
22 a lot of problems in Manorville with old
23 filed maps with different people having
24 different claims. We are making no claims
25 on any old filed maps that don't have to do



1
2 with this parcel. I don't know if that
3 answers your question.

4 MR. SCULLY: Can you tell us the status
5 of the out parcels?

6 MS. STILES: Some of those parcels are
7 owned by other private individuals within
8 the Ringhoff Family. Some of them I believe
9 on the east side are probably taken by the
10 County for lack of tax payment, and it might
11 not have been a Ringhoff parcel to begin
12 with. There is one out parcel the same
13 entity does own, which is lot 18 on the
14 north side of this, which is highlighted,
15 and they do own that. Whatever access the
16 larger lot would have had, this lot clearly
17 would have shared in that access. It would
18 not have had to go to some other effort.
19 For all intents and purposes, this lot has
20 access to Topping Path and Hot Water Street
21 and 111 as well.

22 I think that we are seeking the one
23 credit per acre, certainly more than the
24 clearinghouse allocated, but I think there
25 is significant precedent, and if you take a



1
2 look at the letter I sent in and some of the
3 older cases before this commission,
4 including the orange highlighted area on
5 this tax map is Albertos Pallo, I don't know
6 if you were here for that appeal, but they
7 ended up receiving one credit per acre, and
8 they are also five-acre zone just like my
9 client's property. I think there is plenty
10 of reasons why they should be able to have
11 increased credit, and I think the proper and
12 fair amount would be one credit per acre.

13 MS. PRUSINOWSKI: What was the number
14 of credits you received?

15 MS. STILES: The totals?

16 MS. JAKOBSEN: 24.22.

17 MS. STILES: Right.

18 MR. SCULLY: Anything else?

19 MS. STILES: Well, I think we are
20 going to keep the record open, from what
21 your counsel mentioned to me.

22 MR. SCULLY: You are? That's nice of
23 you.

24 MS. STILES: I mean you, the
25 commission, from what your counsel has told



1
2 me. If you are going to do that, then I'm
3 done, and I can come back next time.

4 MR. SCULLY: Anyone have questions?

5 MR. PAVACIC: You said the PLC had
6 done some maintenance. Was that for
7 cleaning trash and litter or was that actual
8 maintenance of the road to make it passable?

9 MS. STILES: Mostly cleaning up tires
10 and junk cars and whatnot, but I wasn't
11 there, so I don't know exactly what they
12 did, but I did see some text about blocking
13 off the illegal roads that go off of these
14 roads with various telephone poles or
15 something like that. I think that cleaning
16 up a road is maintenance. It's not
17 necessarily repaving a road, but it's part
18 of maintenance.

19 MR. PAVACIC: It wasn't for something
20 along Public Works or the Highway Department
21 would be making a road passable for
22 vehicles?

23 MS. STILES: I'm not sure what the
24 purpose is.

25 MR. PAVACIC: Are there any utilities



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on any portion of Topping Path?

MS. STILES: I believe the large lot does have utility access.

MR. PAVACIC: Under Topping Path, are there any utilities?

MS. STILES: I have to check with my client. There might be some irrigation, some sort of water main. I have to get back to you.

MR. PAVACIC: You are saying a public water main or private extension of irrigation?

MS. STILES: I would assume, if anything, private extension of the irrigation. It's privately owned, and there isn't any other development in that area.

MR. PAVACIC: Do you have any written records since the Pine Barrens Act was enacted, any written records from the Highway Department indicating maintenance they have done on the road since then?

MS. STILES: Since the passage of the act, I don't. I can try to obtain that before our next meeting.



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Proceedings

MR. PAVACIC: Thanks.

MR. SCULLY: Other questions?

Mr. Milazzo.

MR. MILAZZO: What was the zoning of the parcel when it passed in 1993?

MS. STILES: The important date in question is A-5. It had just been up-zoned right before that.

MR. SCULLY: I don't think that is accurate. I think it was up-zoned in 1988 or '90.

MS. STILES: I think it might have been up-zoned twice. I don't know. I'm told.

MR. MILAZZO: Do they currently use the property?

MS. STILES: It is actively farmed.

MR. MILAZZO: The question is: Are there any old filed existing maps on the property or is it in single parcel or three or four parcels?

MS. STILES: There is an old filed map.

MR. MILAZZO: Have those lots merged?



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MR. PAVACIC: Thanks.

MR. SCULLY: Other questions?

Mr. Milazzo.

MR. MILAZZO: What was the zoning of the parcel when it passed in 1993?

MS. STILES: The important date in question is 8/5. It had just been up-zoned right before that.

MR. SCULLY: I don't think that is accurate. I think it was up-zoned in 1988 or '90.

MS. STILES: I think it might have been up-zoned twice. I don't know. I'm told.

MR. MILAZZO: Do they currently use the property?

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MS. STILES: I believe they have.
Looking at the tax map, there are five lots.

MR. MILAZZO: They are merged parcels.
Was there any effort to checker board the
lots?

MS. STILES: No. They were farming
the lots. They never had plans to develop
it. There was no motivation to do that.
Now it could be used against them as a
penalty. They didn't checker board their
lots. I think it's a shame to give less
credits to someone who wasn't out there
scrambling to develop their property than
someone trying to set up a scheme that could
develop it. That's one of the issues we
have. It's not checker boarded.

MR. MILAZZO: If they went for a
development plan that exceeded the five-acre
minimum lot size, are there any features or
attributes to the property that would have
been used by the applicant to support
development at less than five acres density?
It's a terribly drafted question. I'll try
again. Are there any attributes of the



1
2 parcels which would support development at
3 greater than one house per five acres?

4 MS. PRUSINOWSKI: Are you looking for
5 significant natural features?

6 MR. MILAZZO: I'm looking for some type
7 of entitlement; single and separate,
8 grandfather, old filed lot, any features
9 that existed in 1993 on the parcel.

10 MS. STILES: I have to get back to
11 them. That's a very legal question. I have
12 to do a little research. These roads were
13 there prior to the passage of the act, and
14 whatever utilities might have been there
15 because of irrigation and electric and
16 whatnot.

17 MR. MILAZZO: Did you ever submit a
18 plan for subdivision?

19 MS. STILES: Not that I'm aware of.

20 MR. MILAZZO: I talked to Ms. Stiles
21 about holding the record open if there was
22 any additional submission from the
23 commission. We can hold the record open to
24 the next meeting, and it would be up to the
25 commission to re-open the hearing or close



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it at that time.

MS. PRUSINOWSKI: Are there any structures on the parcel?

MS. STILES: No. I believe it's just farm land. There is the aerial.

MS. JAKOBSEN: It's just wind rows.

MS. PRUSINOWSKI: The barn is on the small piece?

MS. STILES: It's not on their property.

MR. MILAZZO: We can have a closed hearing at the next meeting, and if the commission is ready to make a decision at that time, it could or we could go until December if the applicant would give us an extension until that time.

MS. STILES: We will give you an extension until that time.

MR. SCULLY: Staff, clarify the zoning history for us. I know Ms. Stiles indicated additional research and additional information. Any other questions? Without objection, we will keep the hearing record open until the next meeting. Anybody here



1
2 from the public want to address the
3 commission on the application?

4 MR. RINGHOFF: My name is Ringhoff. I
5 can clarify a couple of things.

6 MR. SCULLY: We need to put you under
7 oath because you are not a lawyer.

8 (William Joseph Ringhoff was sworn in
9 by the court reporter.)

10 MR. RINGHOFF: As far as the
11 utilities, there is telephone on Topping
12 Path now. In 2002, Governor Pataki came
13 down, and the Suffolk County Department of
14 Public Works brought in crushed concrete
15 asphalt and paved Hot Water Street probably
16 about a mile and a half coming off 111 so
17 Mr. Pataki could come into the Pine Barrens.
18 Every year since, the County has come down
19 and taken a greater and greater road. The
20 Town has done it up until five or six years
21 ago. They have not done it. It's not
22 impassable, but you need four-wheel drive in
23 places.

24 MS. STILES: When you say the Town,
25 are you referring to Topping Path?



1
2 MR. RINGHOFF: Topping Path was taken
3 care of by the Town. Hot Water Street was
4 taken care of by the County. The County did
5 come down, and they took blacktop and spread
6 it over the top in the Pine Barrens so Mr.
7 Pataki could view the Pine Barrens.

8 MR. SCULLY: In 2002, the section of
9 Hot Water Street that runs east from 111,
10 the County placed material for a one-mile
11 length of it?

12 MR. RINGHOFF: Yes. It's still there.
13 You can see the blacktop. Mr. Pataki wanted
14 to view the Pine Barrens, and the western
15 end was pretty soft, so they made a nice
16 road for him to come in. They used to come
17 in the spring and fall and grade these roads
18 mostly for the hunters, I think. And there
19 is a lot of co-op land, and people need
20 access to their co-ops. Twice a year they
21 come. I'm not there all the time, but the
22 roads certainly are maintained one time or
23 another, otherwise they would go to pieces.

24 As far as Topping Path, there is
25 telephone underneath the bridge. The boxes



1
2 are there with telephone. They made it
3 accessible for telephone when they built the
4 road in '72, and in '72, it was one-acre
5 zoning, then Henrietta Aquafora swore she
6 would not touch the farmers and left the
7 one-acre zoning. They bumped it to two-acre
8 zoning without telling us, and prior to the
9 Pine Barrens Act, they bumped it to
10 five-acre zoning without telling us. The
11 Pine Barrens came in and said, there is your
12 land, it's Pine Barrens. That's where we
13 got stuck. I thought I would fill you in on
14 a couple of things. Thank you.

15 MR. SCULLY: Without objection, we
16 will hold the hearing open until the next
17 meeting. Any other business to come before
18 the commission? Motion to adjourn. All in
19 favor?

20 ALL: Aye.

21 MR. SCULLY: Off the record.

22 (Time noted: 3:36 p.m.)
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I, JOAN R. LIVOTI, a Notary Public in
and for the State of New York, do hereby
certify:

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of October, 2007.



JOAN R. LIVOTI



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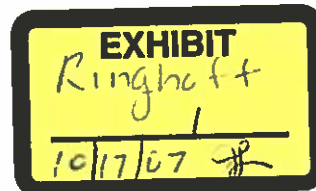
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August 23, 2007

Peter A. Scully
Chairman
Central Pine Barrens Joint Planning and Policy Commission
3525 Sunrise Highway, 2nd Floor
P.O. Box 587
Great River, NY 11739-0587



Re: *Letters of Interpretation Appeal; The Ringhoff Family, LLC #1*
SCTM Nos. 200-512-1-15, 200-512-1-17, 200-512-1-18,
200-512-1-21 and 200-562-4-21

Dear Mr. Scully:

Please accept this letter and accompanying documents as part of The Ringhoff Family, LLC #1's (hereinafter "Ringhoff") appeal of the credit determination recently provided by the Credit Clearinghouse for the above referenced parcels. A letter from the Clearinghouse pertaining to its determination is enclosed herein as Attachment A. We have not yet received the Letters of Interpretation, but we expect to have them prior to the September 19, 2007 Commission meeting.

All of the Ringhoff parcels are located in Manorville in the Town of Brookhaven and were five-acre zoned at the time of the passage of the Pine Barrens Act. There are a total of five large, adjacent lots. Please see Attachment B for a depiction of the parcel locations.

As you know, the Comprehensive Plan calls for the minimum allocation of .16 credit per acre for land in the Town of Brookhaven that was zoned five-acre residential at the time of the passage of the Pine Barrens Act. A careful review of the relevant laws and past decisions of the Clearinghouse and Commission reveal that Ringhoff should receive more than the minimum credit per acre for all of the parcels listed above. The following analysis will substantiate our position.

PROPERTY INFORMATION

As you can see on Attachment B, several of the applicant's lots have significant frontage on Toppings Path, an old Town of Brookhaven road. The portion of Toppings Path along Ringhoff's property does not have a tax map number. Toppings Path traverses between County Road 51 in Eastport, all the way north to Route 24 in Calverton. This road is traveled by members of the public, and is often used by hunters, hikers, sightseers and naturalists. The

20 MAIN STREET
EAST HAMPTON, NY 11937
631.324.1200

51 HILL STREET
SOUTHAMPTON, NY 11968
631.287.0090

105 ROUTE 112, FL 1S
PORT JEFFERSON STA., NY 11776
631.928.4400

400 TOWNLINE ROAD
HAUPPAUGE, NY 11788
631.265.1414

56340 MAIN ROAD, P. O. BOX 325
SOUTHOLD, NY 11971
631.765.2300



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importance and permanence of this road was recognized by Suffolk County when it constructed a bridge over Toppings Path when it updated County Road 111 in the 1970s. According to Brookhaven Town's records, this portion of Toppings Path has been maintained and used as a public roadway since at least 1815 (see Attachment C). Some parts of Toppings Path are paved and lighted, while other sections, including the sections adjacent to Ringhoff's properties, consist of a compact dirt and gravel road, with drainage provided by small drainage basins in appropriate locations. Until about 10 years ago, the Town graded and leveled the compact dirt and gravel portions of the road every few years with heavy equipment. While the Town ceased maintenance on the road a few years after the passage of the Pine Barrens Act, the road is still open, suitable and used for vehicular access in the area of Ringhoff's property.

Similarly, two of the applicant's parcels have road frontage on the southern side of Hot Water Street, another historic road in Manorville. Certain portions of Hot Water Street have been paved, while the portion adjacent to Ringhoff's property is a compact dirt and gravel road with drainage provided by small drainage basins in certain locations. The compact dirt and gravel portion of Hot Water Street connects County Road 51 with County Road 111. This portion of Hot Water Street is frequently traversed by members of the public, such as hikers, hunters, sightseers and naturalists, and has historically been open to the public. Hot Water Street was laid out by Brookhaven Town as public road in 1800 (see Attachment D). Current tax map records indicate that Suffolk County now owns the property encompassing the roadbed.

With regard to property owned by Ringhoff, lots 200-512-1-17 and 18 consist of 139.737 +/- acres in total. Lot 18, which completely surrounds lot 17, has road frontage consisting of 1,289.39 ft + on the northerly side of C.R. 111, 5,676.76 ft +/- on easterly side of Toppings Path and 813.62 ft +/- on the southerly side of Hot Water Street. The applicant also has access to County Road 51 from the southeastern corner of Lot 18, which has been utilized since at least the 1970s. Lot 17 is surrounded on all sides by Lot 18. Thus, for Lot 17's road access, the applicant would be entitled to direct road access by way of Lot 18's direct road access, since Ringhoff owns both Lots 17 and 18.

Lot 200-512-1-15 consists of 5.116 +/- acres. Lot 15 has 1,855.29 ft +/- of road frontage on the westerly side of Toppings Path and 211.09 ft +/- of frontage along the southerly side of Hot Water Street. Notably, Lot 15 is directly across Toppings Path from Lot 18, the applicant's 139 acre + parcel. The only thing separating Lot 15 and Lot 18 is the diagonal road cut for Toppings Path.

Lot 200-512-1-21 consists of 4.245 +/- acres. This lot has 1,687.59 ft of frontage on Topping Path. Similar to Lot 15, this lot is also directly across Toppings Path from Lot 18, the applicant's 139 acre + parcel. The only thing separating this lot and Lot 18 is the diagonal road cut for Toppings Path.

Lot 200-562-4-21 consists of 1.337 +/- acres. This lot has 1,060.77 +/- ft of frontage on Toppings Path. Similar to other lots the applicant owns, this lot is also directly across Toppings Path from Lot 18, the applicant's 139 acre + parcel. Moreover, the southerly end of this lot is



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proximate to County Road 111. There is no property other than Toppings Path separating this lot from County Road 111, thus this lot would have independently have easy access to County Road 111.

A subdivision map was filed with the County Clerk's office by the Eastport Improvement Company encompassing all of the above referenced parcels on July 21, 1892. File No. 605 (Attachment E). That filing created over 1500 individual building lots on the land that Ringhoff currently owns. That map also created the numerous east-west and north-south perpendicular paper streets that are indicated on current tax maps throughout Ringhoff's various properties. On all of the Ringhoff's parcels those paper streets were cleared well before the passage of the Pine Barrens Act because the land was historically been used for crop farming as it is used today.

In addition to clearing the paper streets, the remaining portions of each of the above referenced parcels were cleared well before the passage of the Pine Barrens Act. The land has been used as farmland for several generations. There are already some utilities provided to the farm, such as water and electric. Thus, Ringhoff would have incurred less expenses in developing the land, and the provision of utilities, than if the land were completely vacant.

There are no wetlands, steep slopes or other features that we are aware of on any of the parcels that might have reduced the development yield prior to the passage of the Pine Barrens Act.

SIMILAR CREDIT DETERMINATIONS

In determining the matter of Expressway 60 Patent and Bernard Meyer, whose parcels were located in an area of Manorville zoned A-5 by the Town of Brookhaven, the Clearinghouse held,

that the unique features of the 37 lots are their proximity to an existing improved road, their ability to developed in an economically justifiable manner and the nature of the applicants holdings. The Clearinghouse finds while the 37 lots are not immediately adjacent to an existing road, they are proximate to parcels that are immediately adjacent. For this reason, the Clearinghouse believes that the development of the 37 lots would be economically sustainable. Economies of scale could be created because the applicants own or control the 44 lots of the subdivision. Infrastructure improvement costs could be distributed among the 44 lots allowing the applicants to recoup these costs as the lots were sold. This development scenario varies significantly from the cost of developing a single lot or a small number of lots that are a greater distance form an improved road. In those instances, the entire cost of the infrastructure improvement would be borne by the individual or a small number of lots.

Due to these unique circumstances, the Clearinghouse granted more than the minimum amount of credits to the landowners of the Expressway 60 Patent and Bernard Meyer parcels. In total,



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Express 60 Patent and Bernard Meyer were granted 21.8 credits for 18.5 acres of land in Manorville that was zoned A-5 Residence.

Here, five of Ringhoff's lots, consisting of 150.435 +/- acres are proximate to and have substantial frontage on existing roads. The acreage involved, which is even more than the acreage involved in Expressway 60 Patent, would have allowed for development in an economically justifiable and sustainable manner, even more so than the Expressway 60 Patent parcels. Ringhoff would have been able to recover the entirety of infrastructure costs, due to the large size of the properties and the economies of scale that would have been created. Moreover, Ringhoff would not have to incur the normal costs associated with land clearing and brush removal that Expressway 60 Patent would have incurred, since all of Ringhoff's lots have been historically used for crop farming and were cleared several generations ago. Thus, as in the matter of Expressway 60 Patent, Ringhoff should be granted more than the minimum number of credits per acre for all lots.

An appeal decided by the Commission, Alberto/Sipala, also explains why Ringhoff should be granted more than the minimum number of credits. The Alberto/Sipala parcels are located just northwest of Ringhoff's properties along Route 111 in Manorville and subject to the same five-acre zoning classification as Ringhoff's properties. On appeal, the Commission granted Alberto/Sipala 3.52 credits for 3.52 acres of land. There is no reason why Ringhoff's property, which is just down the street from the Alberto/Sipala parcels and subject to the same zoning classification, should be treated differently.

In hearing the LOI appeal of Martha Barkus, et al. the Commission granted one credit per acre for parcels in Manorville that were five-acre zoned at the time of the passage of the Pine Barrens Act. Commission records indicate that the area was on an old filed map with uncleared paper streets. Ringhoff's property is located nearby in Manorville, was and is five-acre zoned and was part of an old filed map with paper streets and road frontage on actual streets. Thus, Ringhoff should be granted the same one credit per acre allowance as Martha Barkus, et al. Moreover, Ringhoff's properties and associated paper street were cleared well before the enactment of the Pine Barrens Act because of farming activities. Ringhoff's parcels also have significant access to pre-existing roadways and utilities. Therefore it would be improper to grant Ringhoff less than what was granted to Martha Barkus et al. when Ringhoff's properties are much better situated.

There are other Commission appeals that provide guidance on the proper credit allocation to Ringhoff. See, Anthony and Lucille Cavalli (granting one credit per acre for land located in Manorville and classified as five-acre zoning); Erik Skaalerud (granting one pine barrens credit for a half-acre of land contained within five-acre zoning with no direct road access); Doris Fitcher (increasing allowance of credits on appeal due to the "parcels proximity to an improved public road" and "proximity to utilities"); Carmen and Mitch Pope (providing additional credits on appeal, in part, because "the Commission retains discretion to modify the allocation factor in reviewing PBC appeals" and "the parcel fronts on a section of road that has been improved to 'within 50 feet' of the parcel").



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In light of the unique circumstances of the Ringhoff parcels and the precedent set by other Clearinghouse and Commission credit determinations, we request a grant of one credit per acre for parcels 200-512-1-15, 200-512-1-17, 200-512-1-18, 200-512-1-21 and 200-562-4-21.

Please contact one of us if you or any members of the Commission require any additional information to render a decision on these appeals.

Very truly yours,


Jay P. Quartararo


Lauren E. Stiles

Encls.



SUFFOLK COUNTY LEGISLATURE



EDWARD P. ROMAINE
LEGISLATOR 1ST DISTRICT

September 19, 2007

Mr. Peter A. Scully, Chairman
Central Pine Barrens Joint Planning and Policy Commission
3525 Sunrise Highway, 2nd Floor
PO Box 587
Great River, NY 11739-0587

Re: Ringhoff Family, LLC #1
SCTM#s 200-512-1-15; 200-512-1-17; 200-512-1-18;
200-512-1-21; 200-562-4-21

Dear Mr. Scully,

The above referenced parcels, owned by the Ringhoff Family, LLC #1, located in Manorville in the Town of Brookhaven are currently under appeal of the credit determination recently provided by the Credit Clearinghouse.

Taking into consideration the unique circumstances surrounding the subject parcels and precedent-setting determinations made by the Clearinghouse and Commission in the past for other similar applicants, I urge the Commission grant the proper credit allocation that is currently being requested for these parcels. The Ringhoff's should be granted the same one credit per acre allowance as other properties in the vicinity received that were five-acre zoned at the time of passage of the Pine Barrens Act and also with paper streets and road frontage on actual streets.

It is my concern that should these properties receive less credit than they are entitled to, the Ringhoff family, one of the community's oldest farm families, may be forced into a financial situation where they have no alternative other than to sell portions of their other farm properties which are suitable for development as a means of survival.

I trust your careful review of the relevant laws and past decisions made by the Clearinghouse and Commission will grant the Ringhoff's the appropriate number of credits these parcels are entitled to.

Sincerely,

Edward P. Romaine
County Legislator, First District

EPR:ik

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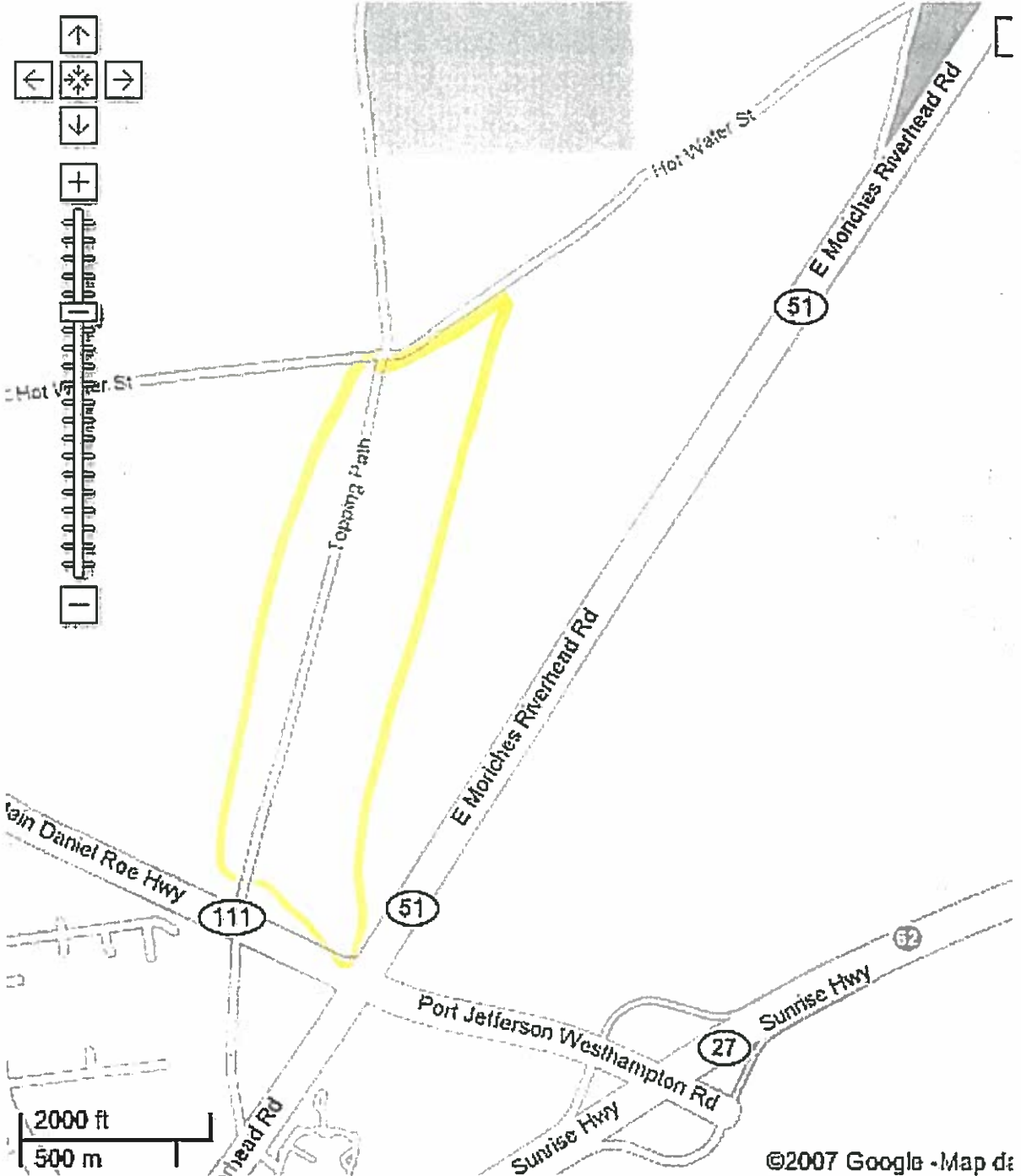


Cc: Carrie Meek Gallagher, Commissioner, SC Department of Environment & Energy
Tom Isles, Director, SC Department of Planning

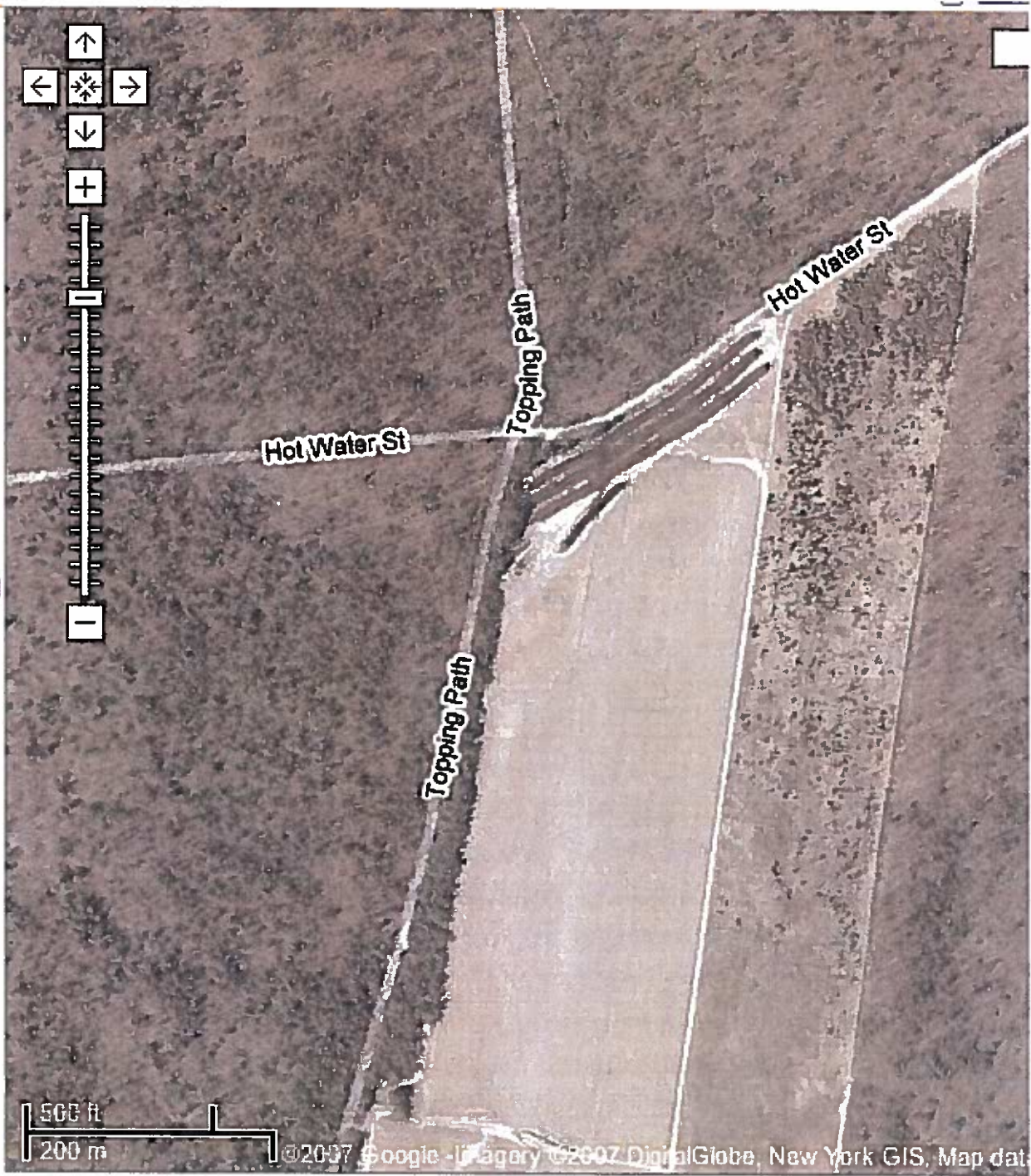
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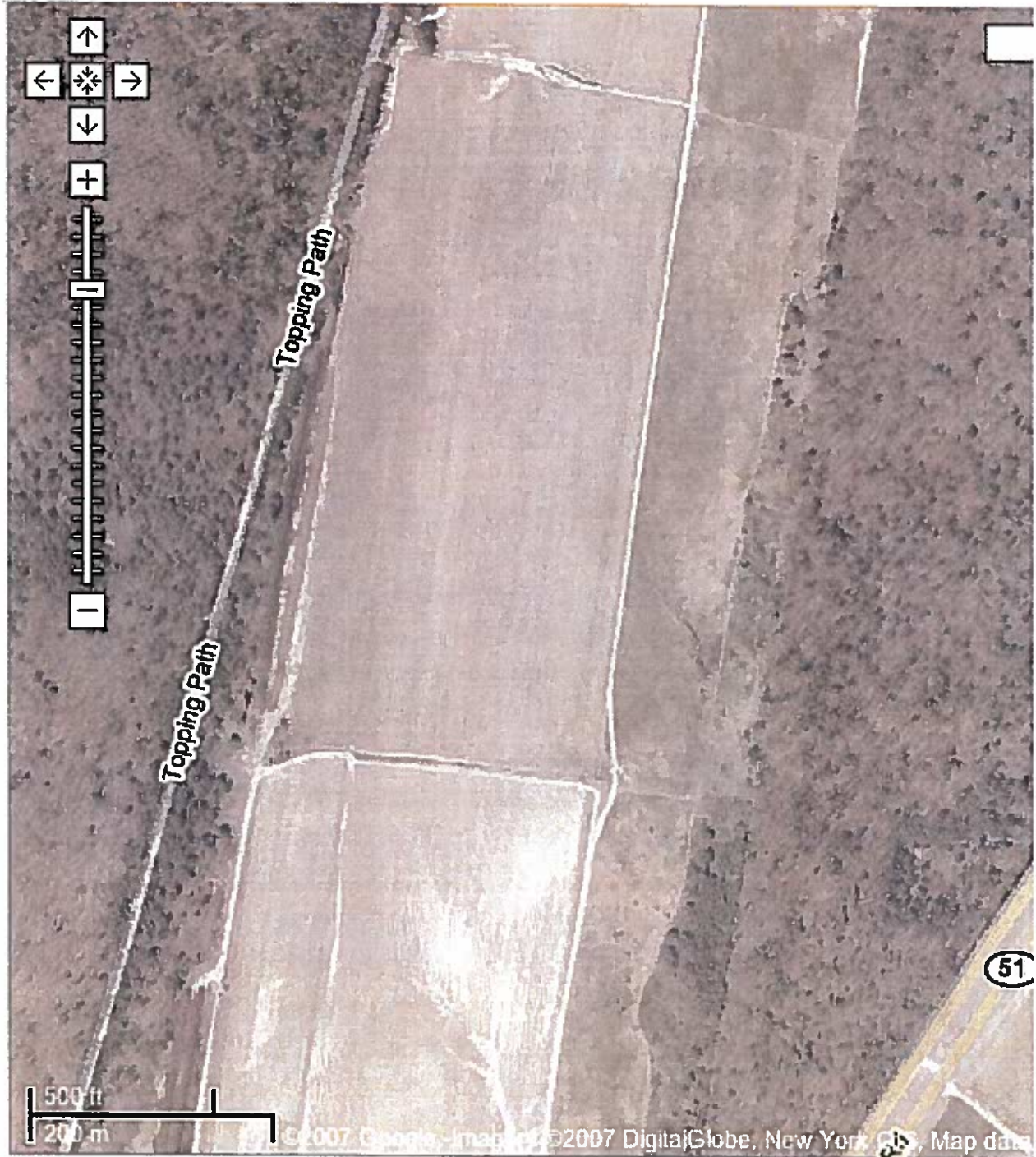
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Ringhoff Family, LLC #1

PINE BARRENS CREDITS TABLE

<u>Lot</u>	<u>Acres</u>	<u>Zoning</u>	<u>First LOI</u>	<u>Renewed LOI</u>	<u>Credits Sought</u>
200-512-1-15	5.116	A-5	1	0.82	5.116
200-512-1-17	0.83	A-5	0.14	0.14	1
200-512-1-18	139.73	A-5	22.36	22.36	139.73
200-512-1-21	4.245	A-5	0.68	0.68	4.245
200-562-4-21	1.337	A-5	0.22	0.22	1.337
			24.4	24.22	151.428



PINE BARRENS CREDIT CLEARINGHOUSE

James T.B. Tripp, Esq., Chairman
Andrew P. Freleng, AICP, Vice Chairman
Richard W. Hanley, Member
Mitchell H. Pally, Esq., Member
Robert Anrig, Member

LETTER OF INTERPRETATION

Re: Suffolk County Tax Map Number: 200-512-1-15
Applicant: The Ringhoff Family LLC
Date: November 29, 2005

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced 5.11-acre parcel. The parcel is in the Town of Brookhaven. It was in the A5 District at the adoption of the *Central Pine Barrens Comprehensive Land Use Plan* (the "Plan") on June 28, 1995.

Conclusions

The *Plan* grants to every parcel of land in a sending area a use right, known as Pine Barrens Credits, that may be used to seek development density or intensity increases on lands identified as receiving areas within the same township.

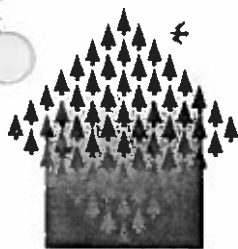
The *Plan* establishes the formula for allocating Pine Barrens Credits. In sending areas within the A5 District of the Town of Brookhaven, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by 0.16. Based upon this allocation formula, 0.8176 Pine Barrens Credits may be allocated to this parcel. There are no known conditions on the parcel which reduce the allocation of Pine Barrens Credits pursuant to Section 6.3.3 of the *Plan*. This allocation qualifies for the application of Section 6.7.6.6 of the *Plan* permitting the allocation of one (1.00) full Pine Barrens Credit due to its frontage on an existing improved road.

The total number of Pine Barrens Credits allocated for this parcel is 1.00.



Notice of Letter of Interpretation Appeal

The Ringhoff Family, LLC#1
SCTM Nos. 200-512-1-15, 17, 18, 21 and 200-562-4-21



**CENTRAL
PINE
BARRENS**

**JOINT
PLANNING
&
POLICY
COMMISSION**

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

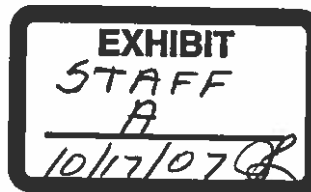
Steve A. Levy
Member

Please take notice that a hearing on the Letter of Interpretation Appeal for The Ringhoff Family LLC #1 is scheduled for Wednesday, October 17, 2007 at 3:00 pm at the Riverhead Town Hall, 200 Howell Avenue, Riverhead. 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 is appealing the allocation of Pine Barrens Credits stated in the Letters of Interpretation dated September 4, 2007 and September 26, 2007 for parcels with Suffolk County Tax Map #200-512-1-15, 17, 18, 21 and 200-562-4-21. The appellant is seeking one(1) Pine Barrens Credit per acre for the aforementioned tax map parcels. The parcels are located west of East Moriches-Riverhead Road (County Road 51) in the vicinity of Toppings Path(unimproved road) and north of Sunrise Highway and CR 111, Eastport, Town of Brookhaven.

Any persons who wish to comment on the appeal are invited to attend the hearing. If you should have any questions, please contact the Commission's office at 631-224-2604.

P.O. Box 587
3525 Sunrise
Highway
2nd Floor
Great River, NY
11739-0587

Phone (631) 224-2604
Fax (631) 224-7653
www.pb.state.ny.us





Ringhoff Family LLC #1 Credit Appeal Hearing
October 17, 2007
SCTM#s: 200-512-1-15, 17, 18, 21, 200-562-4-21

Staff Exhibits

Staff Exhibit A:

1. Staff Report prepared October 11, 2007
2. 2004 Aerial - Publicly Owned & Protected Land in Subject Area
3. 2004 Aerial - Area Topography
4. Suffolk County Tax Map with subject parcels indicated by yellow highlight
5. Photo log from Staffs' site visit on October 5, 2007



**CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION
REVISED STAFF REPORT**

Prepared: October 11, 2007

Field Visit: October 5, 2007

Ringhoff Family LLC#1 Pine Barrens Credit Appeal

TAX MAP NUMBERS: 200-511-5-43, 200-512-1-15 & 18, & 200-562-4-21

7/12/07 Receipt of initial appeal request
8/27/07 Receipt of revised appeal request
10/11/07 Public hearing

LOCATION: Core Preservation Area
West of East Moriches-Riverhead Road(CR 51), east of Toppings Path
Road and south of Hot Water Street, Manorville and north of CR 111,
Town of Brookhaven

REQUEST: Obtain 1 Pine Barrens Credit per acre. Total acreage involved in request is
151.24 acres.

ZONING: A-5 residential

LAND USE: Site currently in agricultural use, compost windrows along the northern
portion of the subject site. Small house on parcel on southeast corner that
is not apart of this appeal. Surrounded by Suffolk County nature preserve
land and NYSDEC land to the west, east and north and small parcels of
privately owned land. Toppings Path and Hot Water Street are dirt roads
accessible by vehicle. Hot Water Street is used for access to NYSDEC
hunting areas and has some parking areas.

SITE DESCRIPTION:

Topography: Flat topography in farmed areas surrounded by

Vegetation/Cover Types: Cultivated field. Wooded area along the western edge of the
subject parcels and northeastern edge. Compost windrows located
along the northern portion of the main parcel

Hydrology: Hydrogeologic Zone III

Current Credit Allocation on Parcels

<u>SCTM#</u>	<u>ACRES</u>	<u>PBC ALLOCATION</u>
200-512-1-15	5.11	.82
200-512-1-17	.83	.14
200-512-1-18	139.73	22.36
200-512-1-21	4.24	.68
200-562-4-21	1.33	.22

TOTALS: 151.24 24.22



Ringhoff Credit Appeal
October 5, 2007



View looking north from CR 111



View looking north from CR 111

Ringhoff Credit Appeal
October 5, 2007



View looking north from CR 111



View looking north from CR 111

Ringhoff Credit Appeal
October 5, 2007



View of the western property boundary from CR 111



View of the western property boundary from CR 111

Ringhoff Credit Appeal
October 5, 2007



View looking north from CR 111



View of existing dirt road west of the property

Ringhoff Credit Appeal
October 5, 2007



View of existing mulch at the north end of the property boundary



View of existing dirt road on the north end of the property

Ringhoff Credit Appeal
October 5, 2007



View of existing mulch at the north end of the property



View of existing dirt road, Toppings Path, looking south

Ringhoff Credit Appeal
October 5, 2007



View of existing dirt road, Toppings Path, on the north side of the property



View of CR 111 overpass



View of existing dirt road where it narrows west of the CR 111 overpass



View of existing dirt road where it narrows west of the CR 111 overpass

Ringhoff Credit Appeal
October 5, 2007



View of existing native grassland meadow/successional field northeast of the property



View of existing road that runs along the north side of the property



View of existing mulch piles on the north side of the property



View of existing mulch piles on the north side of the property

Ringhoff Credit Appeal
October 5, 2007



View of the existing mulch piles at the north end of the property line



View of the existing mulch piles at the north end of the property line



View of the existing mulch piles at the north end of the property line



View of existing dirt road that runs along the east side of the farm

Ringhoff Credit Appeal
October 5, 2007



View looking south at the existing farmland



View looking south at the existing farmland

Ringhoff Credit Appeal
October 5, 2007



View looking south at the existing farmland

Publicly Owned & Protected Land in Project Vicinity (2001 data)

County Lands

Hot Water Street (Dirt Road)
Toppings Path (Dirt Road)

Yellow - Town land
Green - State land
Brown - County land

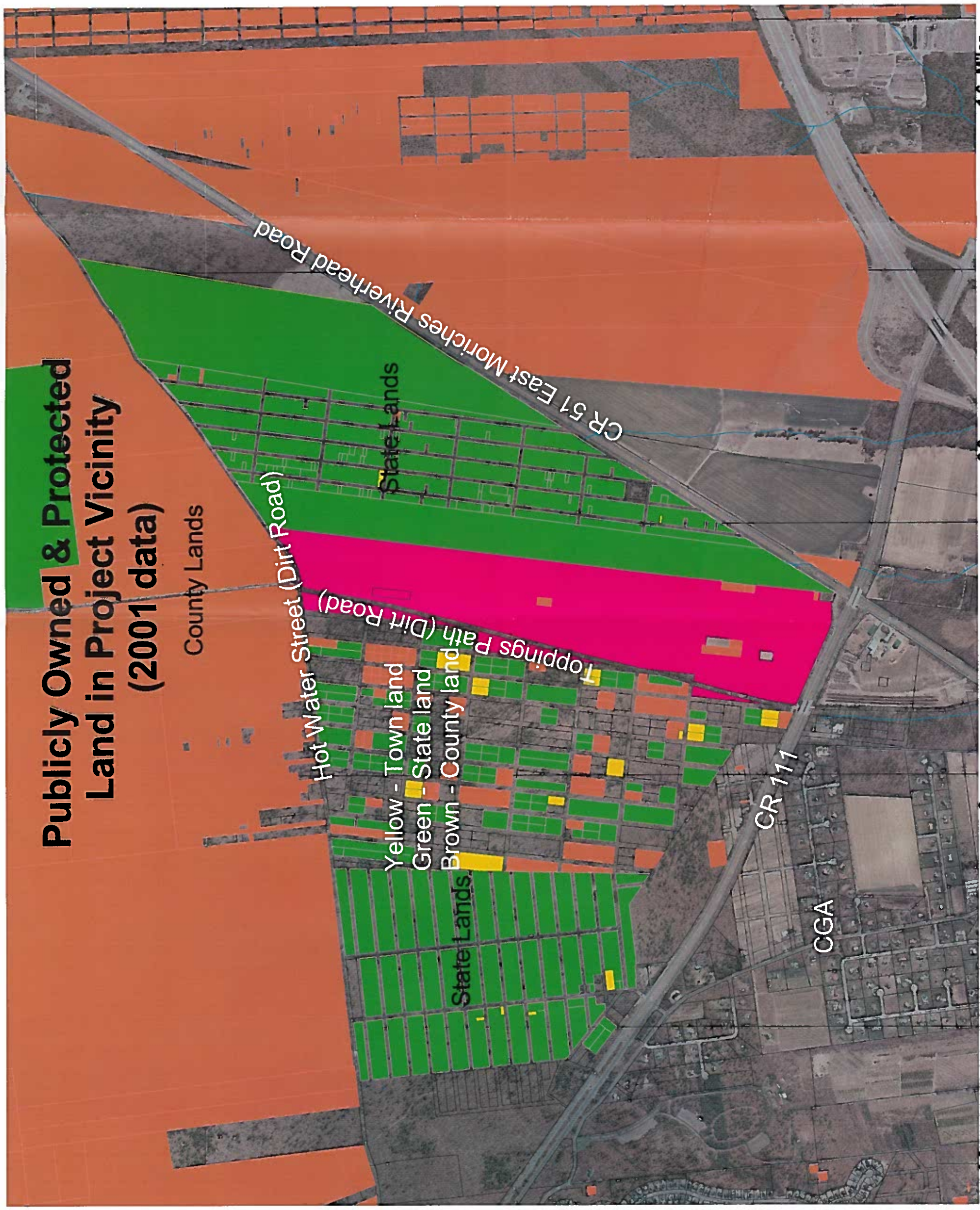
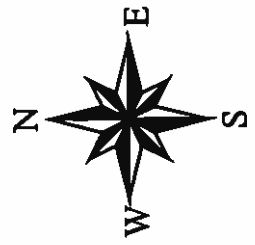
State Lands

State Lands

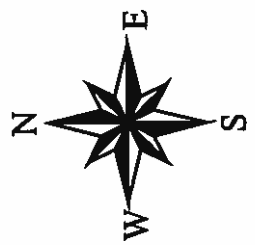
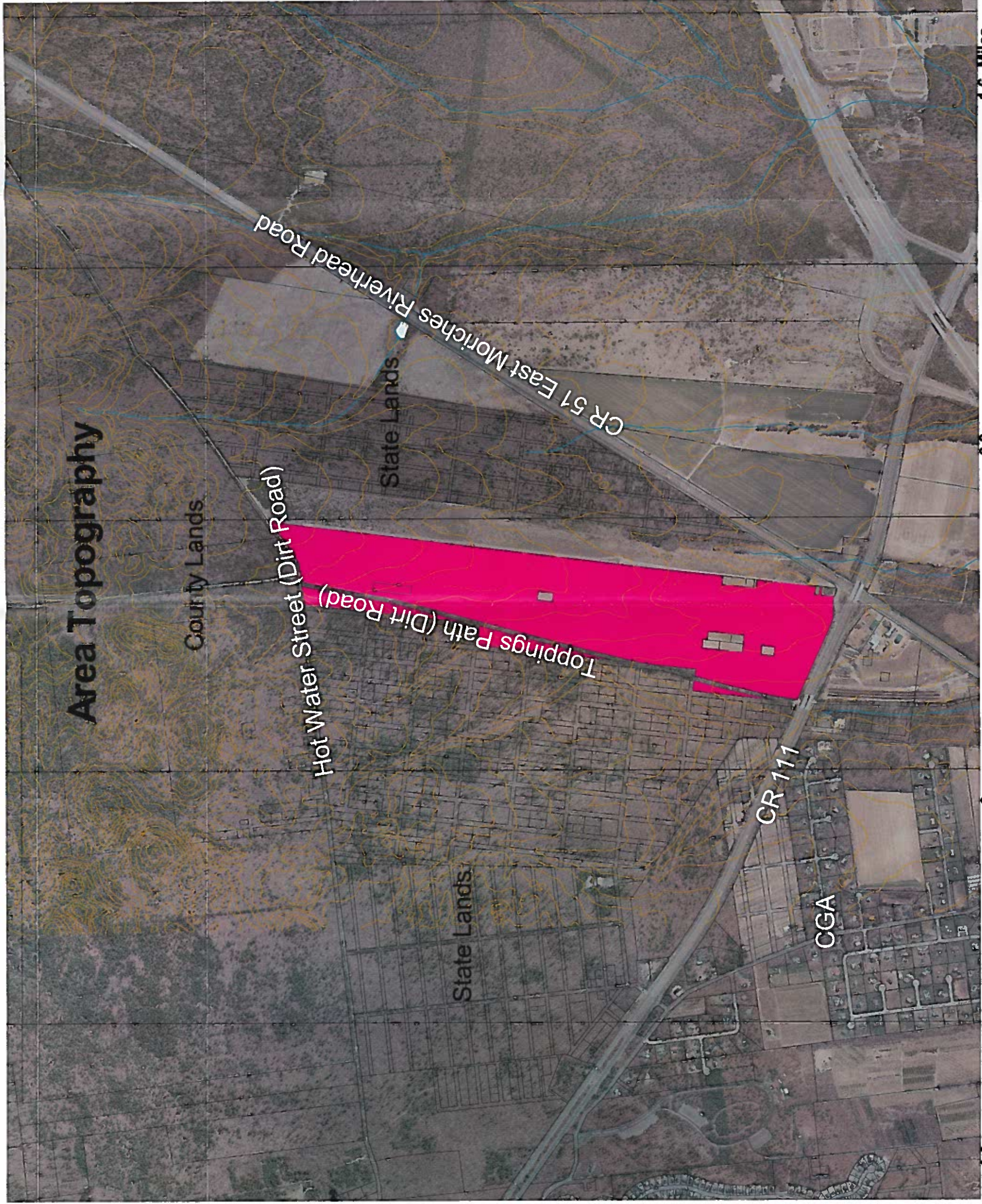
CR 111

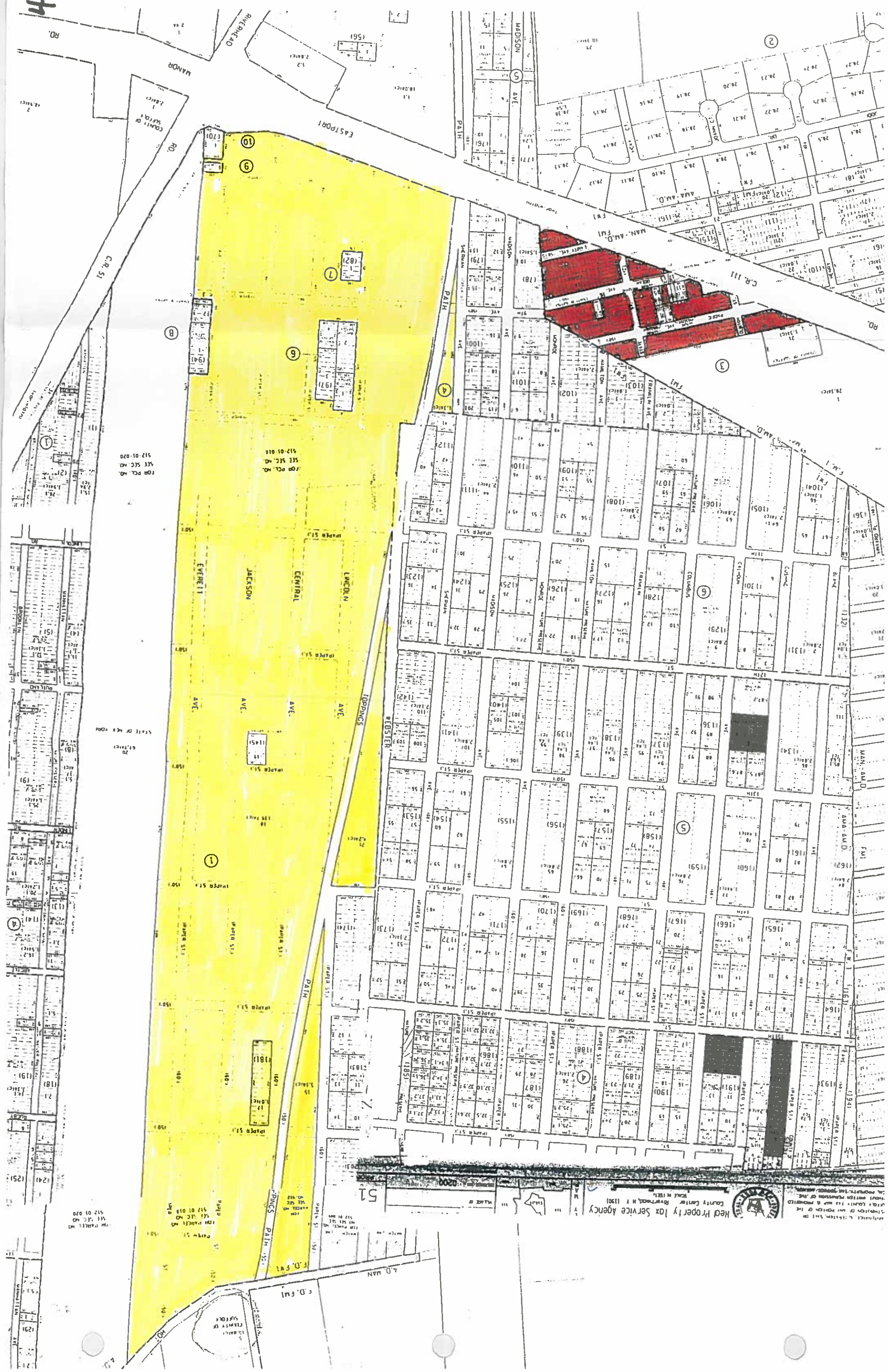
CGA

CR 51 East Moriches Riverhead Road



Area Topography





FOR P.C. NO. 512-01-020
SEE SEC. NO.

STATE OF MISSISSIPPI
20

FOR P.C. NO. 512-01-020
SEE SEC. NO.

Hed Property Tax Service Agency
County Center
Riverside, N.T. 11901



512-01-020
SEE SEC. NO.