

**Original**

THE STATE OF NEW YORK  
NYS CENTRAL PINE BARRENS COMMISSION

-----X  
In the Matter of

The Letter of Interpretation Appeal for Sivan  
Pound Ridge.

Location:  
North of sunrise Highway and South of CR 51  
(East Moriches Riverhead Road) in Eastport.

Suffolk County Tax Map Number  
900-235-1-59  
-----X



Brookhaven Town Hall  
1 Independence Hill  
Farmingville, New York 11738

Wednesday,  
October 20, 2010

The above entitled matter came on for hearing at 3:00 p.m.



ESQUIRE  
an Alexander Call Computer

ARTI Recording

Telephone: 212.349.9692  
Facsimile: 212.557.2152

One Penn Plaza  
Suite 4715  
New York, NY 10119

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Telephone: 212.349.9692  
Facsimile: 212.557.2152

One Penn Plaza  
Suite 4715  
New York, NY 10119

August 5, 2010

**VIA FEDERAL EXPRESS**

John C. Milazzo, Esq.  
Central Pine Barrens Joint Planning and Policy Commission  
3525 Sunrise Highway  
Second Floor  
Great River, New York 11739-0587

Re: Pine Barrens Credit Appeal  
Applicant: Sivan Pound Ridge, LLC  
293 Woodland, Eastport, New York  
SCTM: 0900-235.00-01.00-059.000

Dear Mr. Milazzo:

We are counsel to Sivan Pound Ridge, LLC (the "Appellant"). The Appellant is the fee owner of a parcel of real property identified on the Suffolk County Tax Map as 0900-235.00-01.00-059.000 (the "Subject Parcel") having acquired the Subject Parcel on or about April 7, 2010. The Subject Parcel is +/- 38.059 acres of vacant land in the Hamlet of Eastport, Town of Southampton. The Appellant is appealing to the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") the Pine Barrens Credit Clearinghouse's (the "Clearinghouse") May 21, 2010 Letter of Interpretation that superseded and replaced the June 29, 2009 Letter of Interpretation for the Subject Parcel.

On June 29, 2009, William J. Rudge IV the predecessor in title to the Appellant received a Letter of Interpretation from the Pine Barrens Credit Clearinghouse that allocated 7.40 credits to the Subject Parcel (attached hereto as Exhibit "A"). In or about December 2009, the Appellant was informed about a property for sale consisting of +/- 38.059 acres of vacant Central Pine Barrens land located in the Town of Southampton and that the owner was in possession of a Letter of Interpretation from the Clearinghouse that allocated 7.40 Pine Barrens Credits for the Subject Parcel. Soon after, in or about January 2010, Daniel Mermel the Managing Member of Sivan Pound Ridge, LLC contacted the Clearinghouse to inquire further into this matter (attached hereto as Exhibit "B" is an affidavit of Daniel Mermel attesting to his conversation with the Clearinghouse). Mr. Mermel was advised that Mr. Rudge had received a Letter of Interpretation from the Clearinghouse dated June 29, 2009 and that it was valid for one year from that date. A discussion ensued regarding the derivation of this allocation and the remaining steps to have the 7.40 Pine Barrens Credit Certificates issued. Subsequent to the Appellant's conversation with the Clearinghouse Staff and after a review of the June 29, 2009 Letter of Interpretation (the Clearinghouse Staff faxed a file copy to the Appellant) the Appellant made an offer to Mr.

Rudge for the purchase of the Subject Parcel based on the value of the 7.40 Pine Barrens Credits that the Subject Parcel would yield.

Except for the 7.40 Pine Barrens Credits, the Appellant had no use for the Subject Parcel. An entity related to the Appellant is the owner of Independence Plaza, a +/- 250,000 sq. ft. shopping center on +/- 33.84 acres in Selden, Town of Brookhaven. Independence Plaza is a significant community asset for the Selden/Middle Country Road area. The shopping center and its owners receive significant support from the Selden Civic Association, the Middle Country Coalition for Smart Growth, and the Middle Country Public Library – Selden branch because of the owner's dedication to creating a safe, attractive and welcoming environment at the shopping center. The shopping center is the central hub of the community for its annual Christmas tree lighting ceremony and the parking lot of Independence Plaza was the site for the "Fourth Legislative District Free Community Concert" this summer. With the full support of the Town of Brookhaven and the local civic associations, the owners of Independence Plaza applied for, and received, Town approval to expand the shopping center to bring to it new tenants desired by the community, as well as implement smart growth principals. In order to accomplish the redevelopment, Appellant needs the 7.40 Pine Barrens Credits to satisfy the requirements of the Suffolk County Department of Health.

On or about February 24, 2010 William J. Rudge IV and Sivan Properties Corp., entered into a contract of sale for the Subject Parcel based on a mutually agreed on price that was derived from the 7.40 Pine Barrens Credits allocated in the June 29, 2009 Letter of Interpretation (the contract was subsequently assigned to Sivan Pound Ridge, LLC which is an entity related to Sivan Properties Corp.). Great expense was undertaken by the Appellant to consummate this transaction. The Appellant had to retain an environmental engineer to conduct a Phase I Environmental Site Assessment and a surveyor to survey the property. Surveying the Subject Parcel was not a simple or inexpensive undertaking. As the Subject Parcel is located in the middle of an undeveloped portion of the Pine Barrens the surveyor had very few monuments to work from resulting in weeks of surveyor field time and expense (attached hereto as Exhibit "C" is the survey of the Subject Parcel prepared by Hawkins Webb Jaeger PLLC). All of which was carried out in reliance on the June 29, 2009 Letter of Interpretation.

On or about April 7, 2010, the Appellant became the fee owner of the Subject Parcel (attached hereto as Exhibit "D" is the deed for the Subject Parcel). The Appellant on or about May 5, 2010 submitted the requisite Pine Barrens Credit Certificate Application and associated documents to the Clearinghouse in accordance with the Central Pine Barrens Comprehensive Land Use Plan and the Pine Barrens Credit Program Handbook. On or about May 21, 2010 the Appellant was informed by letter that the Clearinghouse's June 29, 2009 Letter of Interpretation was incorrect as to the number of Pine Barrens Credits allocated to the Subject Parcel and a new Letter of Interpretation, also dated May 21, 2010, was issued to replace the June 29, 2009 Letter of Interpretation. The May 21, 2010 letter offered no details or explanation regarding the allocation error other than stating that a credit allocation error occurred (attached hereto as Exhibit "E" are the May 21, 2010 letters).

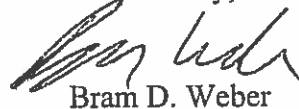
The May 21, 2010 Letter of Interpretation reduced the total number of Pine Barrens Credits allocated to the Subject Parcel from 7.40 Pine Barrens Credits to 6.09 Pine Barrens

Credits. As previously discussed, the purchase price for the Subject Parcel was based entirely on the 7.40 Pine Barrens Credit allocation. As a result of the Appellant's total reliance upon the June 29, 2009 Letter of Interpretation and the Appellant's conversations with the Clearinghouse, the Appellant has suffered injury in the amount of 1.31 Pine Barrens Credits as a result of such reliance.

Furthermore, we believe that the calculation of 7.40 Pine Barrens Credits memorialized in the June 29, 2009 Letter of Interpretation is the correct credit allocation for the Subject Parcel. The Subject Parcel is located in the CR-200 District of the Town of Southampton. Pursuant to § 6.3.1.1.9 of the Central Pine Barrens Comprehensive Land Use Plan (the "Land Use Plan") the development yield factor in the CR-200 District is 0.16 Pine Barrens Credit per acre. However, the Subject Parcel is situated on the Old Filed Map of Eastport Manor Sections A and B (Filed Map No. 250, Filed September 24, 1915) (attached hereto as Exhibit "F"). In the case of old filed map lots in the Town of Southampton, the Land Use Plan does not include a yield factor as old filed map lots were platted with infrastructure allowances. (*see* § 6.4.4.1). Nevertheless, the Commission has interpreted section § 6.4.4.1 of the Land Use Plan to permit a slightly higher allocation of Pine Barrens Credits for old filed map lots. In the Matter of the Appeal of Joseph Zachary Gazza (April 10, 2002), Mr. Gazza was the fee owner of lots on an old filed map located in the CR-200 District of the Town of Southampton. The Clearinghouse initially applied a yield factor of 0.16 Pine Barrens Credits per acre and Mr. Gazza appealed. The Commission held that the development yield factor for old filed map lots in the CR-200 District of the Town of Southampton is 0.20 Pine Barrens Credits per acre and that this would apply in all such future allocation corrections. Accordingly, because of In the Matter of the Appeal of Joseph Zachary Gazza (April 10, 2002), the Clearinghouse erred in reducing the yield factor from 0.20 to 0.16 after the issuance of the June 29, 2009 Letter of Interpretation correctly reflected a yield factor of 0.20.

For all of the foregoing reasons, it is respectfully requested that the Commission direct the Clearinghouse to issue 1.31 Pine Barrens Credits to the Appellant.

Respectfully,



Bram D. Weber

Encls.

cc: Mr. John Pavacic, Executive Director of the Central Pine Barrens Commission  
Ms. Judy Jakobsen, Pine Barrens Clearinghouse  
Sivan Pound Ridge LLC

A

# PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T. B. TRIPP, ESQ., CHAIRMAN  
ANDREW P. FRELENG, AICP, VICE CHAIRMAN  
MITCHELL H. PALLY, ESQ., MEMBER  
RICHARD W. HANLEY, MEMBER  
ROBERT ANRIG, MEMBER

---

June 29, 2009

Mr. William J. Rudge  
1701 Palm City Rd.  
Stuart, Florida, 34994

 FILE COPY

Re: Letter of Interpretation for SCTM # 900-235-1-59

Dear Mr. William J. Rudge:

Please find enclosed the Letter of Interpretation for the above-referenced parcel pursuant to your application.

Issuance of this Letter of Interpretation is the first step in obtaining Pine Barrens Credits for the parcel. The entire process is detailed in the *Pine Barrens Credit Handbook*. I encourage your review of the *Handbook*. To facilitate your application for Pine Barrens Credit Certificates, please find enclosed a Pine Barrens Credit Certificate application form. Also enclosed is the Central Pine Barrens Joint Planning and Policy Commission resolution on title policy which explains how title issues will be addressed.

If you have any questions concerning the Pine Barrens Credit Program, please feel free to contact the Clearinghouse at (631) 563-0306. Thank you for participating in the Pine Barrens Credit Program.

Very truly yours,



Judy Jakobsen  
Clearinghouse Staff

Enclosures

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587  
631-224-2604 / FAX 631-224-7653  
<http://pb.state.ny.us>

# 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: 900-235-1-59  
 Applicant: William J. Rudge  
 Date: June 29, 2009

 FILE COPY

### Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced 36.96 acre parcel. The parcel is in the Town of Southampton. It was in the CR-200 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 Old Filed (OFM) areas of the Town of Southampton as per Section 6.4.4.1 of the *Plan* that are within the CR-200 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .20. Based upon this allocation formula, 7.392 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*. The allocation is rounded to the nearest hundredth of a credit.

### The total number of Pine Barrens Credits allocated for this parcel is 7.40

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

### Appealing your Allocation

Any person who is aggrieved by this determination may appeal the allocation within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587. Included with this notice shall be the name and address of the person requesting reconsideration and the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587  
 631-224-2604 / FAX 631-224-7653  
<http://pb.state.ny.us>



B

AFFIDAVIT OF DANIEL MERMEL

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF SUFFOLK    )

DANIEL MERMEL, being duly sworn, deposes and says:

1. I am a managing member of Sivan Pound Ridge, LLC (“Sivan Pound Ridge”).
2. In my capacity as managing member of Sivan Pound Ridge, I am responsible for overseeing the management of Sivan Pound Ridge’s business affairs.
3. In or about December 2009, I was informed about a property for sale consisting of +/- 38.059 acres of vacant Central Pine Barrens land located in the Town of Southampton and identified on the Suffolk County Tax Map as 0900-235.00-01.00-059.000 (the “Subject Parcel”).
4. I was informed that the fee owner of the Subject Parcel, William J. Rudge IV, was in possession of a Letter of Interpretation from the Pine Barrens Credit Clearinghouse (the “Clearinghouse”) that allocated 7.40 Pine Barrens Credits to the Subject Parcel and was provided a copy of that Letter of Interpretation.
5. In or about January 2010, I contacted the Clearinghouse to conduct my due diligence relating to the acquisition of the Subject Parcel and the credit allocation contained in the Letter of Interpretation.
6. The Clearinghouse advised me that William J. Rudge IV had applied for and received a Letter of Interpretation from the Clearinghouse for 7.40 credits and that it was valid for one year from the date of the letter which was dated June 29, 2009.

7. I then inquired how the allocated Pine Barrens Credits for the Subject Parcel are derived by the Clearinghouse and was informed that the yield calculation for Pine Barrens Credits is a function of the acreage of the property multiplied by a yield factor.
8. I then discussed the steps required to obtain the actual credit certificates and was referred to the Pine Barrens Credit Program Handbook.
9. Subsequent to this conversation with the Clearinghouse, the Clearinghouse faxed to me a file copy of the June 29, 2009 Letter of Interpretation.
10. In or about February 2010, after discussing the Letter of Interpretation with the Clearinghouse, I was able to assess the value of the Subject Parcel based on the 7.40 Pine Barrens Credits and made an offer to Mr. Rudge based on the 7.40 Pine Barrens Credits yield in the Letter of Interpretation.
11. Other than the Pine Barrens Credits that the Subject Parcel would yield, Sivan Pound Ridge has no use for the Subject Parcel. The property is inaccessible from any major roadway and is entirely surrounded by public land. The acquisition of the Subject Property was entirely based on the 7.40 Pine Barrens Credit yield so that the entirety of those credits could be used for a Town and community-supported expansion of Independence Plaza, a shopping center in Selden.
12. On or about February 24, 2010, Sivan Properties Corp. entered into a contract of sale with William Rudge IV to acquire the Subject Parcel based on a mutually agreed price that was derived from the 7.40 Pine Barrens Credits allocated in the June 29, 2009 Letter of Interpretation. I am an officer of Sivan Properties Corp. and subsequently assigned the contract of sale to Sivan Pound Ridge.

13. In reliance on the June 29, 2009 letter I retained an environmental engineer and surveyor to conduct my site due diligence.
14. The retention of an environmental engineer and surveyor was undertaken at great expense as the Subject Parcel is located in the middle of the Pine Barrens with very few monuments that delineate its location. The survey process took six weeks to complete at great expense.
15. A Phase I environmental assessment was also conducted as were soil samples in specific locations to confirm the undisturbed nature of the property.
16. On or about April 7, 2010, Sivan Pound Ridge became the fee owner of the Subject Parcel.
17. On or about May 5, 2010, Sivan Pound Ridge through its attorney submitted the requisite Pine Barrens Credit Certificate Application and the associated documents to the Clearinghouse for issuance of the 7.40 Pine Barrens Credits.
18. On or about May 21, 2010, I was informed by letter by the Clearinghouse that the June 29, 2009 Letter of Interpretation was incorrect as to the number of Pine Barrens Credits allocated to the Subject Parcel and a new Letter of Interpretation, also dated May 21, 2010, was issued to replace the June 29, 2009 Letter of Interpretation.
19. The May 21, 2010 Letter of Interpretation reduced the total number of Pine Barrens Credits allocated to the Subject Parcel from 7.40 Pine Barrens Credits to 6.09 Pine Barrens Credits.
20. The consideration paid for the Subject Parcel was derived from 7.40 Pine Barrens Credits, not 6.09 Pine Barrens Credits. Since the Subject Parcel is unbuildable, the 7.40

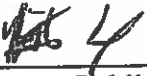
Pine Barrens Credits available was the sole factor relied upon in valuing and purchasing the Subject Parcel.

21. Consequently, as a result of my reliance on the June 29, 2009 Letter of Interpretation and my conversation with the Clearinghouse, and as a result of a credit allocation error outside the control of Sivan Pound Ridge, Sivan Pound Ridge is deprived of 1.31 Pine Barrens Credits.



DANIEL MERMEL

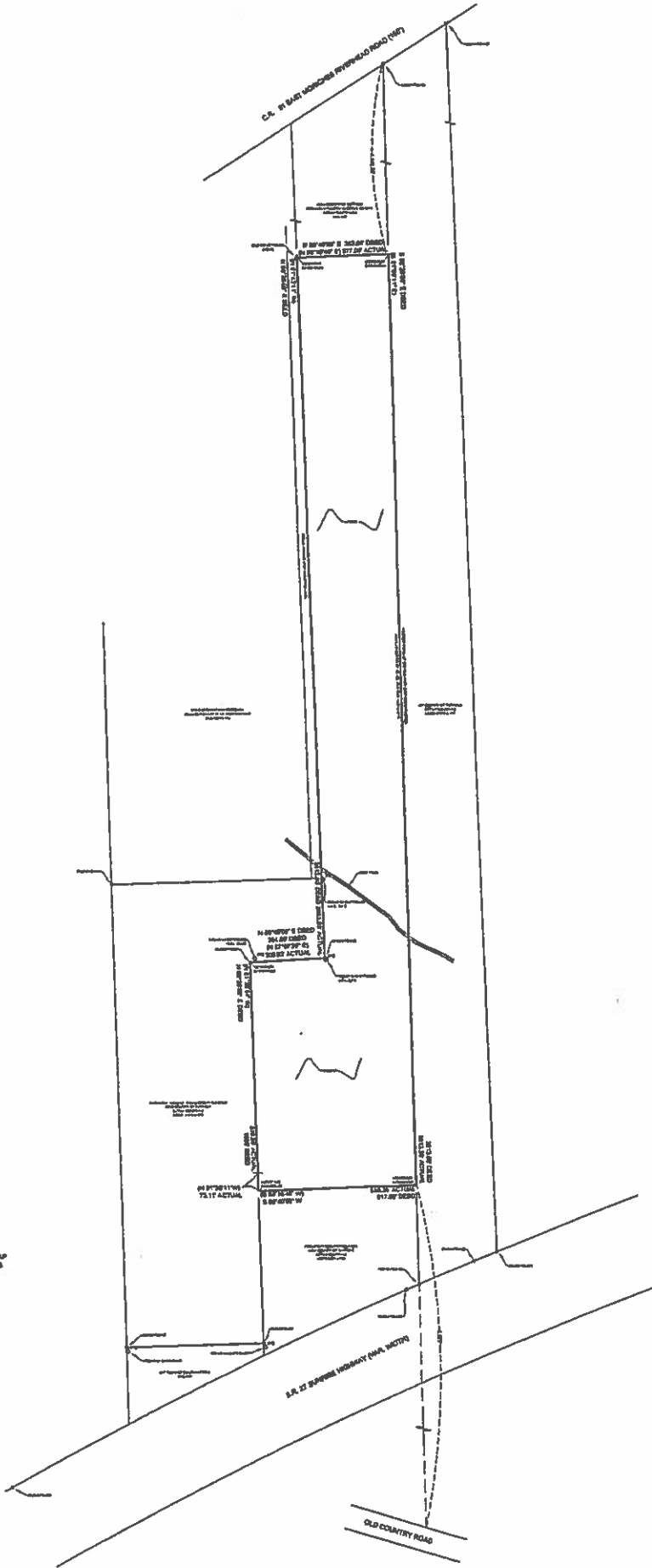
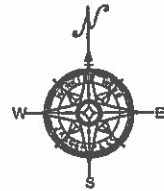
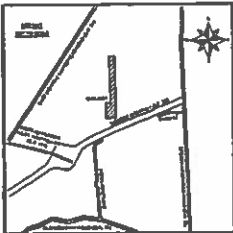
Sworn to before me this  
5 day of August 2010



Notary Public

**MICHAEL C. COX**  
Notary Public, State of New York  
No. 02CO8222058  
Qualified in Suffolk County 14  
Commission Expires May 17, 2014

C



- NOTES:**
1. BEARINGS IN PARENTHESES ARE IN THE NEW YORK STATE PLANE COORDINATE SYSTEM, NAD83.
  2. SUBJECT AND ADJOINING PREMISES ARE VACANT AND COMPRISED OF UNDEVELOPED PINE BARREN STATE COMMUNITIES.
  3. SUBJECT PREMISES COMPRISED OF THE MAPS OF EASTPORT HAMOR SECTIONS A AND B, FIELD MAP NUMBER 88, FILED SEPTEMBER 24, 1915.
  4. THE EASEMENTS WALKS AND LINES INDICATED ON THE MAPS OF EASTPORT HAMOR SECTIONS A AND B, FIELD MAP NUMBER 88, FILED SEPTEMBER 24, 1915.

CERTIFIED ONLY TO:  
 SIVAN POUND RIDGE, LLC  
 ADVANTAGE TITLE AGENCY, INC.

MATTHEW D. CRANE L.S. 1976, L.C. 18006

NO.	DESCRIPTION	DATE	BY
1	FIELD NOTES	10/15/18	MC
2	FIELD NOTES	10/15/18	MC
3	FIELD NOTES	10/15/18	MC
4	FIELD NOTES	10/15/18	MC
5	FIELD NOTES	10/15/18	MC
6	FIELD NOTES	10/15/18	MC
7	FIELD NOTES	10/15/18	MC
8	FIELD NOTES	10/15/18	MC
9	FIELD NOTES	10/15/18	MC
10	FIELD NOTES	10/15/18	MC

**SURVEY OF LAND FOR SIVAN POUND RIDGE, LLC**

DATE: 10/15/18  
 LOCATION: SOUTHAMPTON, N.Y.  
 SCALE: AS SHOWN

BY: MATTHEW D. CRANE, L.S. 1976, L.C. 18006

**ENGINEERING & SURVEYING PLLC.**  
 AN AFFILIATE OF  
**HAWKINS WEBB JAEGER**  
 SINCE 1878  
 ARCHITECTS - ENGINEERS - SURVEYORS - PLANNERS

375 W. 111th Street, Suite 1100, New York, NY 10019  
 212.724.7777 | 212.724.7798

D





571  
#1378-  
/

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on AS of April 7, 2010

BETWEEN

WILLIAM JOHN RUDGE, IV, residing at 1701 S.W. Palm City Road, Stuart, FL 34994

party of the first part, and

SIVAN FOUNT RIDGE, LLC, with a place of business at 2 Park Avenue  
Manhasset, NY 11030

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the



STATE OF NEW YORK  
COUNTY OF ...  
E. CURTIS ...

SEE SCHEDULE "A" ATTACHED.

District:  
0900

Section:  
235.00

Block:  
01.00

Lot:  
059.000

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.  
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

William John Rudge, IV  
William John Rudge, IV

**ADVANTAGE TITLE AGENCY, INC.**

**Title No. 10-CS-42093 (611S23304)**

**SCHEDULE A**

**Amended April 7, 2010**

ALL that certain plot, piece or parcel of land, situate, lying and being at Eastport, Town of Southampton, County of Suffolk and State of New York, being bounded and described as follows:

BEGINNING at the Northeasterly corner of the premises about to be described, said point being distant 4,448.65 feet Southerly from the point where the Northwesterly corner of land now or formerly of the County of Suffolk as set forth in the deed recorded in Liber 11913 Page 197 intersects the Southerly line of C.R. 51 (East Moriches - Riverhead Road);

RUNNING THENCE from said point of beginning along said land now or formerly of the County of Suffolk, South 01 degree 08 minutes 11 seconds East, 3,813.20 feet (actual), South 00 degrees 20 seconds 00 seconds East 3,813.00 (deed), to the Northeasterly corner of land now or formerly of Adolph Hollands, now County of Suffolk, said point being also distant 6,577.00 feet from a point in the Northerly line of Old County Road;

THENCE South 88 degrees 16 minutes 49 seconds West along said last mentioned land, 650.35 feet (actual), South 89 degrees 40 minutes 00 seconds West, 617.00 feet (deed) to land now or formerly of William H. Hallock and H. Blackly now County of Suffolk as per deed recorded in Liber 11210 Page 345;

THENCE along said last mentioned land the following three (3) courses and distances:

1. North 01 degree 20 minutes 11 seconds West, 73.11 feet;
2. North 01 degree 36 minutes 14 seconds West, 870.00 feet (actual), North 00 degrees 20 minutes 00 seconds East, 1,000 feet (deed), as to a concrete monument;
3. North 87 degrees 07 minutes 29 seconds East, 309.93 feet (actual), North 89 degrees 40 minutes 00 seconds East, 264.00 feet (deed);

**FOR  
CONVEYANCING  
ONLY**

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

**ADVANTAGE TITLE AGENCY, INC.**

**Title No. 10-CS-42093 (611S23304)**

**SCHEDULE A (continued)**

**THENCE North 01 degree 43 minutes 11 seconds West, 2,863.65 feet (actual), North 00 degrees 20 minutes 00 seconds East, 2,813.00 feet (deed), to the Southwesterly corner of land now or formerly Fourth National Realty now County of Suffolk;**

**THENCE along said last mentioned land, North 88 degrees 16 minutes 49 seconds East, 377.06 feet (actual), North 89 degrees 40 minutes 00 seconds East, 353.00 feet (deed) to the point or place of BEGINNING.**

**["Being the same premises described in the deed to the party of the first part herein from William John Rudge, IV, as Ancillary Administrator of the Estate of William John Rudge, III, deceased, dated July 31, 2002 and recorded November 4, 2002 in Liber 12218 Page 310. Said premises are known and designated as District 0900, Section 235.00, Block 01.00, Lot 059.000."]**

**FOR  
CONVEYANCING  
ONLY**

**The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.**

**TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.**

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of ss.:

On before me, the undersigned, personally appeared ~~William John Rudge, IV~~

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of Florida County of Martin ss.:

On April 2, 2010 before me, the undersigned, personally appeared William John Rudge, IV

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in STUART, FL

(insert city or political subdivision and state or county or other place acknowledgment taken)

E Christopher De Sarte  
(signature and office of individual taking acknowledgment)

**Bargain and Sale Deed** E. Christopher De Sarte  
WITH COVENANT AGAINST GRANTS Commission DD 664551  
Expires April 18, 2011  
TITLE No. 10-CS-42093

William John Rudge, IV

TO

Sivan Pound Ridge, LLC

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of } ss.:  
County of }

On before me, the undersigned, personally appeared.

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(If taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken. And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

District 0900  
SECTION 235.00  
BLOCK 01.00  
LOT 059.000  
COUNTY OR TOWN Suffolk

RETURN BY MAIL TO:

Weber Law Group LLP  
290 Broadhollow Rd., Suite 200E  
Melville, NY Zip No. 11747  
Attn: BRAM D. Weber, Esq.

Reserve this space for use of Recording Office.

E

# PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., *CHAIRMAN*  
ANDREW P. FRELENG, AICP, *VICE CHAIRMAN*  
MITCHELL H. PALLY, ESQ., *MEMBER*  
RICHARD W. HANLEY, *MEMBER*  
ROBERT ANRIG, *MEMBER*

---

May 21, 2010

Michael Cox, Esq.  
Weber Law Group, LLP  
290 Broadhollow Road, Suite 200E  
Melville, NY 11747-4818

Re: Letter of Interpretation for Sivan Pound Ridge, LLC SCTM # 900-235-1-59

Dear Mr. Cox,

Please find enclosed the Letter of Interpretation (LOI) for the above-referenced parcel pursuant to your client's application. This LOI replaces the former LOI issued for Mr. Rudge dated June 29, 2010 which contained an credit allocation error.

Issuance of this Letter of Interpretation is the first step in obtaining Pine Barrens Credits for the parcel. The entire process is detailed in the *Pine Barrens Credit Handbook* which was previously sent to you with a Pine Barrens Credit Certificate application form, and the Central Pine Barrens Joint Planning and Policy Commission resolution on title policy which explains how title issues will be addressed.

Information on Pine Barrens Credit transactions such as conveyances, redemptions, and Pine Barrens Credit sale prices, is available at the Clearinghouse's website at

[http://www.pb.state.ny.us/chart\\_pbc\\_main\\_page.htm](http://www.pb.state.ny.us/chart_pbc_main_page.htm)

If you have any questions concerning the Pine Barrens Credit Program, please feel free to contact the Clearinghouse at (631) 563-0306. Thank you for participating in the Pine Barrens Credit Program.

Very truly yours,

Judy Jakobsen  
*Clearinghouse Staff*

Enclosures

# 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*

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## *LETTER OF INTERPRETATION*

**Re:** Suffolk County Tax Map Number: 900-235-1-59  
**Applicant:** Sivan Pound Ridge, LLC  
**Date:** May 21, 2010

### *Findings of Fact*

The applicant applied for a Letter of Interpretation for the above-referenced 38.06 acre parcel. The parcel is in the Town of Southampton. It was in the CR-200 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 CR-200 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .16. Based upon this allocation formula, 6.0896 Pine Barrens Credits may be allocated to this parcel. Allocations are increased to the hundredth of a credit, therefore this parcel would receive 6.09. 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*.

## **The total number of Pine Barrens Credits allocated for this parcel is 6.09**

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

### *Appealing your Allocation*

Any person who is aggrieved by this determination may appeal the allocation within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587. Included with this notice shall be the name and address of the person requesting reconsideration and the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587  
631-224-2604 / FAX 631-224-7653  
<http://pb.state.ny.us>

F

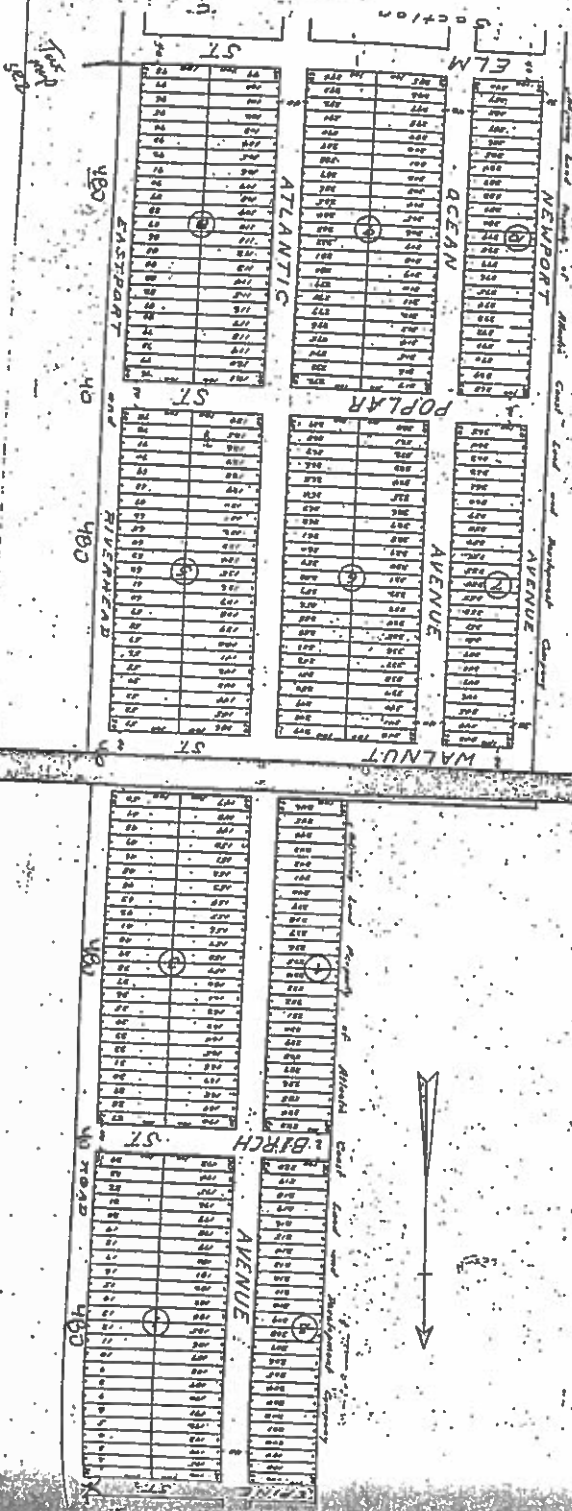




8-19

208

SECTION B-1  
 EASTPORT MANOR  
 EASTPORT, S.C.  
 JEFFOLK CO., N.Y.  
 ATLANTIC COAST LAND & DEVELOPMENT COMPANY,  
 MAIN OFFICE, WASHINGTON, D.C.  
 NEW YORK CITY.



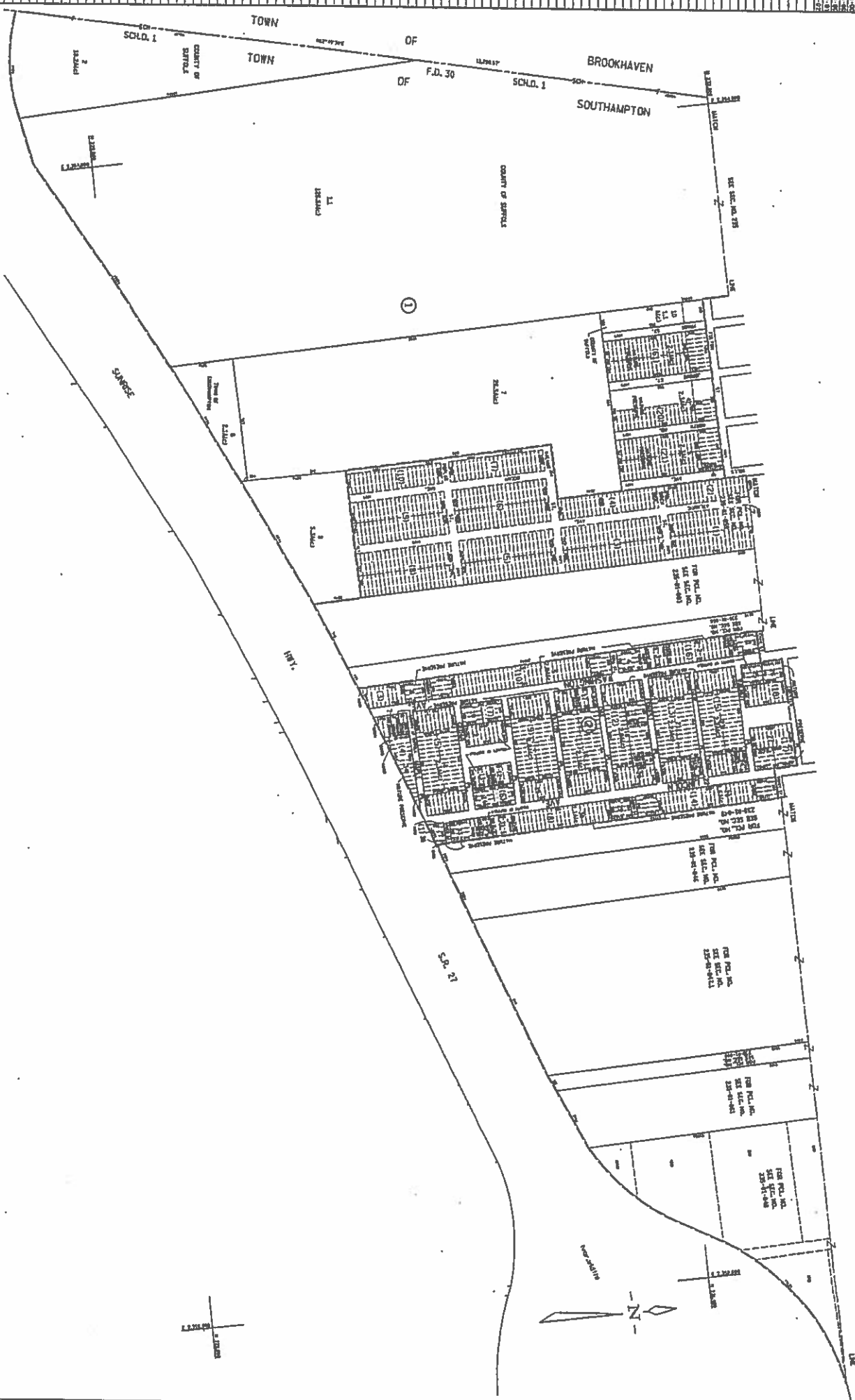
4400 OR N/S

250  
Sept 21 1915

Scale 1/8" = 1'-0"



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COUNTY OF SUFFOLK  
 Real Property Tax Service Agency  
 County Center, Brookhaven, NY 11715  
 FAX: 516-781-1111

TOWN OF SOUTHAMPTON  
 SECTION NO.  
 274  
 PROPERTY MAP

COMMISSION MAP, June 19, 2004

Central Pine Barrens Joint Planning and Policy Commission

Public Hearing on  
Credit Appeal for Sivan Pound Ridge, LLC  
on SCTM No. 900-235-1-59  
Eastport, Town of Southampton  
October 20, 2010

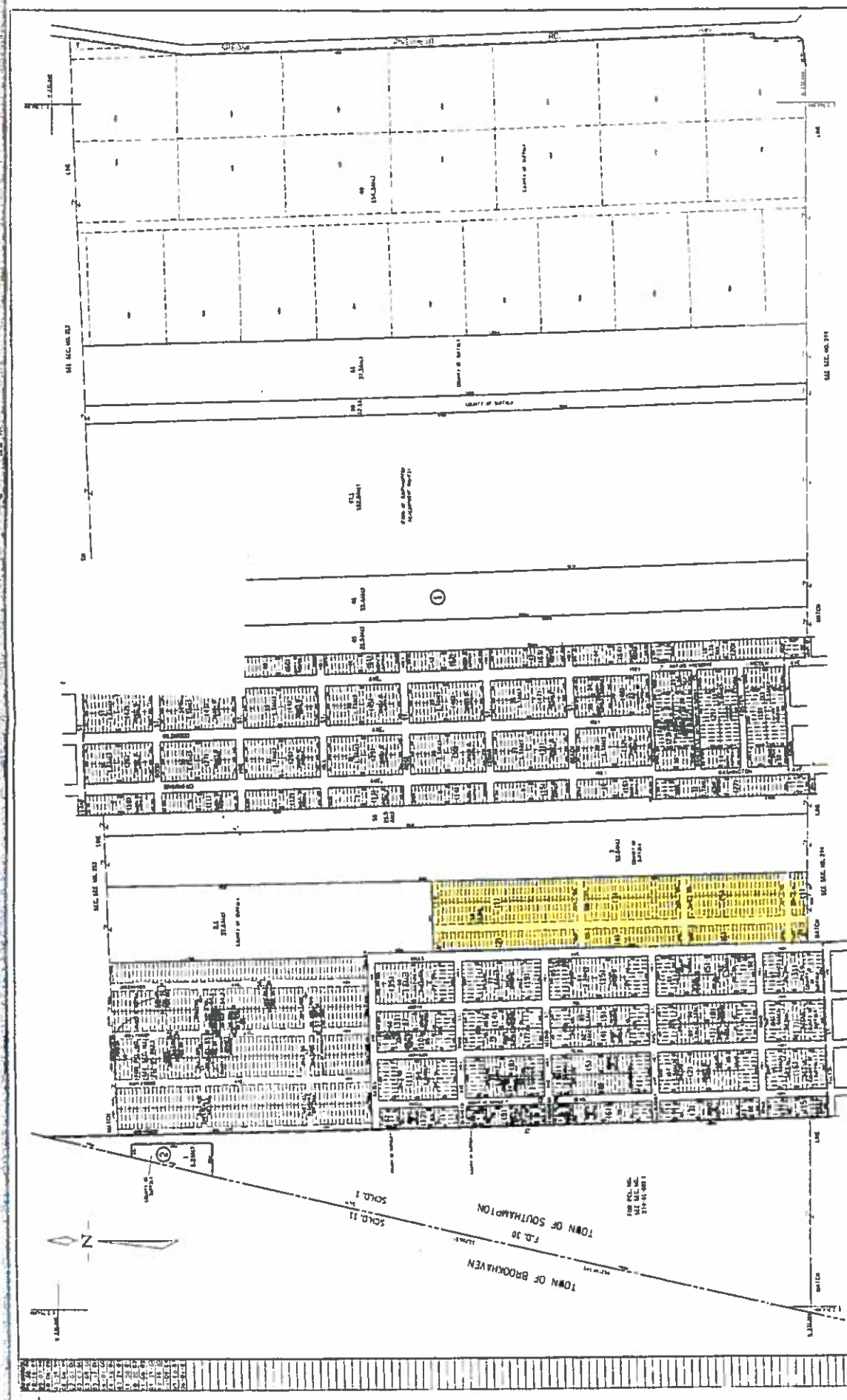
Staff Exhibits

- A. Suffolk County Tax Map Sections No. 235 & 274 property map with parcel outlined in yellow. (2 pages)
- B. 2007 Aerial showing parcel outlined in blue. (1 page)
- C. *Figure 6-1 Pine Barrens Credit Program development yield factors*, Central Pine Barrens Comprehensive Land Use Plan, dated 1995. (3 pages)
- D. William J. Rudge Letter of Interpretation (LOI) application dated June 20, 2009 for SCTM #900-235-1-59. (2 pages)
- E. William J. Rudge 2007-2008 tax bill used for acreage (36.96 acres) for calculating PBCs for June 29, 2009 LOI. (1 page)
- F. *Section 6.4.4.1 Overview of the Southampton Pine Barrens Credit Program* from the Central Pine Barrens Comprehensive Land Use Plan, dated 1995. (1 page)
- G. 2007 Aerial showing Old Filed Map overlay (GIS layer) that was obtained from Town of Southampton. The pink diagonal lines indicate areas within the Old Filed Map overlay district and the blue diagonal lines indicate areas not within the OFM overlay district. (1 page)
- H. Town of Southampton Zoning Code for Old Filed Maps §243-1 and §330-52. (4 pages)
- I. William J. Rudge Letter of Interpretation (LOI) dated June 29, 2009, for 7.4 Pine Barrens Credits. (1 page)
- J. Letter from M. Pally, Weber Law Group, LLP, to Commission staff J. Jakobsen, dated April 8, 2010. (1 page)
- K. Survey with revision date April 9, 2010 prepared by Hawkins Webb Jaeger submitted by Weber Law Group for Sivan Pound LLC LOI application (38.059 acres). (1 page)
- L. Bargain and Sale Deed for Tax Map # 900-235-1-59, Recorded with Suffolk County Clerk's Office on April 20, 2010, Liber D00012622, Page 478. (7 pages)
- M. Sivan Pound Ridge, LLC, LOI dated May 21, 2010 for 6.09 Pine Barrens Credits. (1 page)

A



STAFF EXHIBIT A 10/12



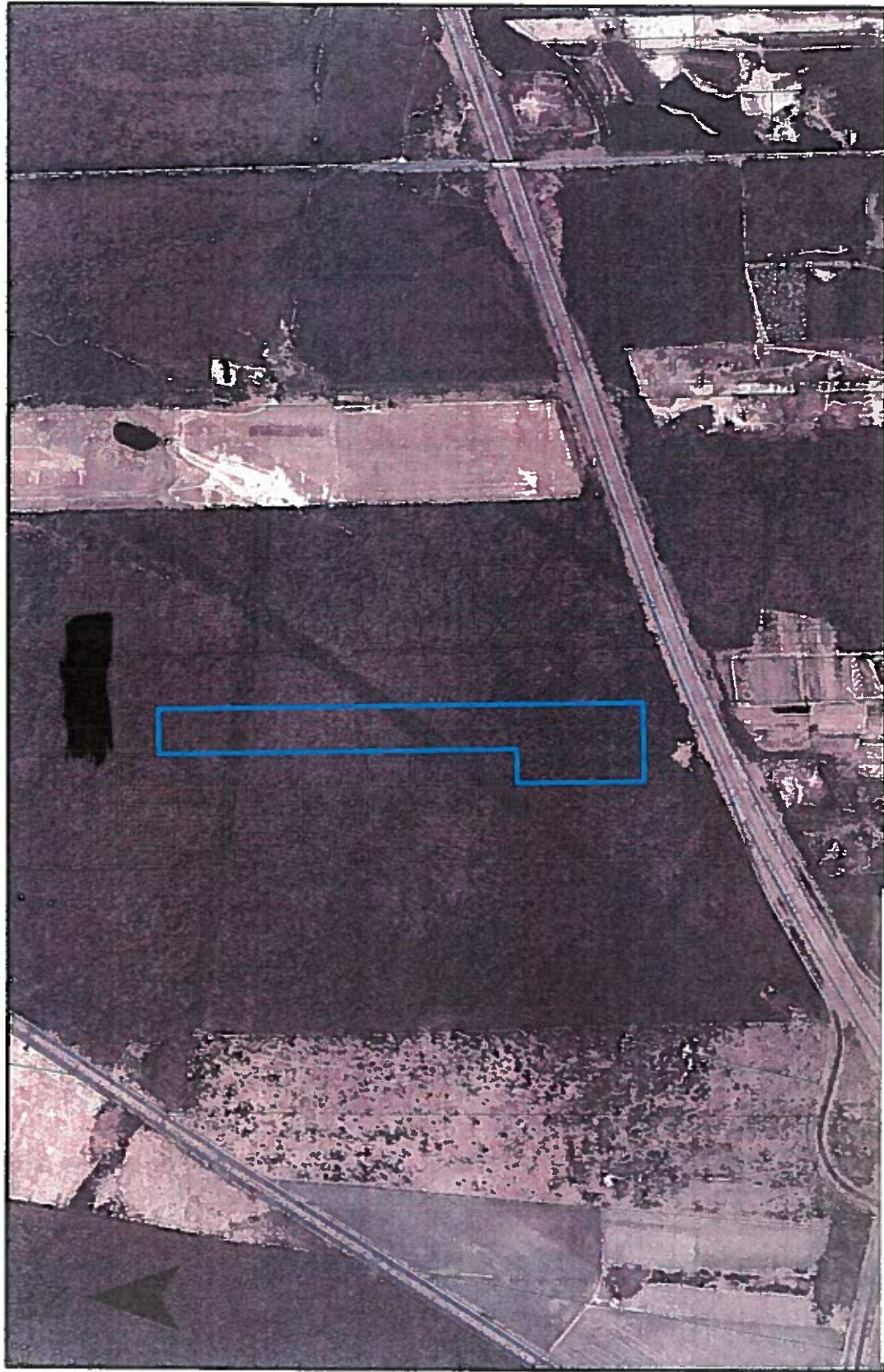
SECTION NO. <b>235</b>	
PROPERTY MAP	
TOWN OF SOUTHAMPTON	
COUNTY OF SUFFOLK	
Red Property Tax Service Agency	
County Clerk's Office	
Project No. 0900	
<p>NOTICE: This map is a reproduction of the original map on file in the County Clerk's Office. It is not to be used for legal purposes. For more information, contact the County Clerk's Office.</p>	
<p>DATE: 10/12/12</p> <p>BY: [Signature]</p>	
<p>Scale: 1" = 100'</p>	
<p>Property of the Town of Southampton</p> <p>Map No. 235</p> <p>Section No. 235</p> <p>Block No. 121</p> <p>Lot No. 121</p> <p>Area: 121.00 sq. ft.</p> <p>Assessed Value: \$121,000</p> <p>Market Value: \$121,000</p> <p>Year 2012</p>	







B



**Rudge LOI**  
**900-235-1-59**  
**2007 Aerial**

Prepared by Commission Staff (jj) on (10/19/2010).

Spring 2007 Digital Orthoimagery, NYS Digital  
Orthoimagery Program, NYSOCSCIC  
Suffolk County Real Property Tax Service Agency GIS  
Basemap COPY RIGHT 2004, County of Suffolk, N.Y.

C



### 6.3 Allocation of Pine Barrens Credits

For the purpose of computing the allocation of Pine Barrens Credits, a parcel of land is defined as a separately assessed tax lot.

#### 6.3.1 Method of allocation

One (1) Pine Barrens Credit shall be allocated for each single family dwelling permitted on a residentially zoned parcel of land located within the Core Preservation Area or a designated sending area designated within this Plan, based upon the development yield set forth in Sections 6.3.1.1.1 through 6.3.1.1.9 of this Plan under the zoning regulations in existence when this Plan is adopted in June, 1995. Development yield is established by multiplying the gross lot area of the parcel by the development yield factor for each residential zoning category. The development yield factors for the various residential zoning categories are enumerated in Section 6.3.1.1 below, in which one acre equals 43,560 square feet.

#### 6.3.1.1 Development yield factors and computation for residentially zoned property

6.3.1.1.1 If zoning allows one (1) dwelling unit per ten thousand (10,000) square feet, the development yield factor is 2.70 Pine Barrens Credits per acre.

6.3.1.1.2 If zoning allows one (1) dwelling unit per fifteen thousand (15,000) square feet, the development yield factor is 2.00 Pine Barrens Credits per acre.

6.3.1.1.3 If zoning allows one (1) dwelling unit per twenty thousand (20,000) square feet, the development yield factor is 1.60 Pine Barrens Credits per acre.

6.3.1.1.4 If zoning allows one (1) dwelling unit per forty thousand (40,000) square feet, the development yield factor is 0.80 Pine Barrens Credit per acre.

6.3.1.1.5 If zoning allows one (1) dwelling unit per sixty thousand (60,000) square feet, the development yield factor is 0.60 Pine Barrens Credit per acre.

6.3.1.1.6 If zoning allows one (1) dwelling unit per eighty thousand (80,000) square feet, the development yield factor is 0.40 Pine Barrens Credit per acre.

6.3.1.1.7 If zoning allows one (1) dwelling unit per one hundred twenty thousand (120,000) square feet, the development yield factor is 0.27 Pine Barrens Credit per acre.

6.3.1.1.8 If zoning allows one (1) dwelling unit per one hundred sixty thousand (160,000) square feet, the development yield factor is 0.20 Pine Barrens Credit per acre.

6.3.1.1.9 If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per acre.

6.3.1.1.10 If zoning allows one (1) dwelling unit per four hundred thousand (400,000) square feet, the development yield factor is 0.08 Pine Barrens Credit per acre.

6.3.1.1.11 One (1) acre as used in 6.3.1.1.1 through 6.3.1.1.10 equals forty three thousand five hundred sixty (43,560) square feet.

6.3.1.1.12 A fractional allocation of a Pine Barrens Credit shall be rounded upward to the nearest one hundredth ( $1/100\text{th} = 0.01$ ) of a Pine Barrens Credit.

These development yield factors are summarized in Figure 6-1, and sample computations are shown in Figure 6-2.

**Figure 6-1: Pine Barrens Credit Program development yield factors**

Provision	If zoning allows:	Then the development yield factor (*) is:
6.3.1.1.1	1 (one) dwelling unit per 10,000 sq. ft	2.70 PBCs per acre (**)
6.3.1.1.2	1 (one) dwelling unit per 15,000 sq. ft	2.00 PBCs per acre (**)
6.3.1.1.3	1 (one) dwelling unit per 20,000 sq. ft	1.60 PBCs per acre (**)

permits for improvement of a parcel. The Pine Barrens Credit allocation for a parcel of land shall be reduced by one (1) Pine Barrens Credit for each existing single family unit on the parcel or equivalent as such equivalent is described in the document entitled Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences, approved by the Suffolk County Department of Health Services, Division of Environmental Quality, on June 15, 1982, revised March 5, 1984 and as implemented prior to February 5, 1988, as amended from time to time (hereinafter referred to as the "Suffolk County Health Department Standards").

#### 6.4 Designated receiving districts for Pine Barrens Credits

*(Note: For residential projects which are utilizing Pine Barrens Credits in a Residential Overlay District (ROD; see below) within the Compatible Growth Area, "Figure 5-1: Clearance standards" in the preceding Plan chapter should be applied as specified in the Commission resolution of 9/26/01: see either the text version or the pdf file of that resolution available at these links.)*

##### 6.4.1 Definitions

For the purposes of Chapter 6 of this Plan, the following definitions shall apply.

##### 6.4.1.1 As of right Pine Barrens Credit redemption

"As of right" means that the redemption of Pine Barrens Credits entitles a person to an increase in intensity or density in accordance with this Plan. Town Planning Boards, and, in the Town of Riverhead, the Riverhead Town Board performing the function of site plan review, may determine compliance with this Plan as part of the subdivision or site plan review procedures, and shall approve such use of Pine Barrens Credits with no additional special permit required.

Pine Barrens Credits generated in any area in the Central Pine Barrens within any town shall be redeemable for any as of right Pine Barrens Credit uses in each respective town as described in this Plan subject only to the restrictions expressed herein.



D

Letter of Interpretation Application

Pine Barrens Credit Clearinghouse  
P.O. Box 587  
Great River, NY 11739-0587

OWNER INFORMATION

Property Owner's Name: William Rudge, J. Phone Number: ( ) 1 772-874-8800

Co-Owners Name: N/A Phone Number: ( )

Mailing Address: William J. Rudge  
1701 Palm city Rd.  
Stuart, Florida, 34994

PROPERTY INFORMATION

Suffolk County Tax Map Number: 900-235-1-59  
~~23500-120-5900-92~~

*(This number is located on the top right corner of your tax bill under the heading Suffolk County Tax Map Number; if the property is located in Southampton the first entry should be 900 followed by the section, block and lot as listed on the tax bill; if the property is in Brookhaven the tax map number begins with 200 and for property in Riverhead the tax map number begins with 600.)*

Size (as indicated on tax bill): 36.96 Acres

Please describe any structures on the property and/or any clearing of the property and give approximate dates of such activity(ies):  
None

Is there a mortgage or a lien on the property? NO



E



Jun. 23. 2009 11:53AM

No. 2668 P. 1

SOUTHAMPTON, NY 11988-0998      SOUTHAMPTON REAL PROPERTY TAX BILL      SOUTHAMPTON, NY 11988-0998

IF THE WORD "APPEARS" IS PRINTED HERE SEE COUNTY TREASURER'S NOTICE ON REVERSE SIDE      ARREARS      335497.00      2007 314047

473689 473601 235000 0001 059000      Eastport Manor Map 250 Section A/S Blk Loc 1-390      Non Exempt      6.3005      314,800      1,983.42

Scrub Property      36,960s      322      1      322      11,714,723      482,987      529      314,800      314,800

William J Rudge  
1701 SW Palm City Rd  
Stuart, FL 34994

William J Rudge

2007-2008 TAX PAYMENT INFORMATION      NUMBER OF ASSESSED VALUE

314,800      WHICH IS 100% OF ITS      314,800

LEVY DESCRIPTION      LEVY %      EXEMPT CODE      TAXABLE VALUE      TAX RATE      TAX AMOUNT      TOTAL TAX AMOUNT

TAX LEVIED      69.92%      FOR SCHOOL      1,378.87

Rosenburg-Speak Sch (829)      68.04      314,800      6.2878      64.01      1,369.88  
Rosenburg-Speak Library      1.48      314,800      0.0931      63.67      29.31

School Budgets are prepared and adopted locally in the respective school districts by an independently elected Board of Education over which the Town of Southampton has no control. The local school tax levied by this bill is collected solely for the benefit of your local School District. To obtain further information concerning your local school tax, please contact your local school authorities.

TAX LEVIED      3.85%      FOR COUNTY      77.19

County - General Fund      3.89      314,800      0.2452      66.78      77.19

TAX LEVIED      19.92%      FOR TOWN      395.08

Southampton Town - General      6.07      314,800      0.3833      61.47-      128.35  
Highway 91-93-94      3.71      314,800      0.2339      68.47-      73.83  
Highway Road Repair 2006      0.48      314,800      0.6281      623.88-      8.85  
Police      0.83      314,800      0.3379      62.34      169.21  
Emergency Dispatching-011      1.02      314,800      0.6662      63.23      38.21  
Soning      0.24      314,800      0.6990      613.93      2.83

TAX LEVIED      6.67%      FOR OTHER      132.28

New York State Real Property      0.83      314,800      0.0818      64.33      16.21  
Eastport Fire District      3.89      314,800      0.3684      66.41      115.97

FIRST HALF TAX      991.71      SECOND HALF TAX      991.71      TOTAL TAX LEVY      1,983.42

DUE DEC. 1, 2007 PAYABLE WITHOUT PENALTY TO JAN. 10, 2008. SEE REVERSE SIDE FOR PENALTY SCHEDULE      DUE DEC. 1, 2007 PAYABLE WITHOUT PENALTY TO MAY 31, 2008. SEE REVERSE SIDE FOR PENALTY SCHEDULE AND COUNTY TREASURER'S NOTICE      THIS TAX MAY BE PAID IN ONE OR TWO INSTALLMENTS

SECOND HALF - SOUTHAMPTON TAX LEVY - 2007-2008      SWIS CODE      S.D. CODE      SECTION      BLOCK      LOT      SUFFIX      473689      473601      235000      0001      059000

AMOUNT DUE      991.71      BILL NO.      2007 314047

William J Rudge  
Suffolk County National Bank in Hampton Bays- Westhampton- Southampton- Water Mill- Sag Harbor and Bank of America  
Southampton accept payments during regular business hours      09871890

4730701098718900000000000000009917100000000000001000019834250

FIRST HALF - SOUTHAMPTON TAX LEVY - 2007-2008      SWIS CODE      S.D. CODE      SECTION      BLOCK      LOT      SUFFIX      473689      473601      335000      0001      059000

AMOUNT DUE      991.71      BILL NO.      2007 314047

William J Rudge  
Suffolk County National Bank in Hampton Bays- Westhampton- Southampton- Water Mill- Sag Harbor and Bank of America  
Southampton accept payments during regular business hours      09871890

473070109871890000000000000000000000000000000000991717000019834250

Received  
JUN 24 2009  
Central Pine Barrens  
Joint Planning and  
Policy Commission

F

## 6.4.4.1 Overview of the Southampton Pine Barrens Credit Program

Staff Exhibit F

The Pine Barrens Credit Program in Southampton is designed to redirect development from all residentially zoned lands within the Core Preservation Area and to preserve other key areas within the Compatible Growth Area.

Two primary approaches are to be used:

1. Redirection of development to other areas of the Town on an as of right basis through residential overlay districts, and
2. Use of innovative planning areas referred to as Planned Development Districts to creatively accommodate Pine Barrens Credits through a variety of development schemes. These approaches would convert Pine Barrens Credits to highly tax ratable uses such as resort and tourism, commercial and retail, senior housing and care centers, and medical centers.

The zoning and total acreage of residential lands which would be eligible for Pine Barrens Credit allocation are shown in Figure 6-6.

**Figure 6-6: Southampton zoning and Pine Barrens Credit illustration**

Statutory zone	R-20 acreage	R-40 acreage	CR-60 acreage	R-80 acreage	CR-120 acreage	CR-200 acreage
Core Preservation Area	13	16	169	0	265	3367
Compatible Growth Area	48	0	10	42	221	1015
Totals	61	16	179	42	486	4382

*Note:*

R-20 is a Residence District with a 20,000 square feet minimum lot size.  
CR-60 is a Country Residence District with a 60,000 square feet minimum lot size.

Pine Barrens Credits would be allocated to owners of these lands using the method outlined in this chapter of this Plan. However, in the case of old filed map lots, allocation of Pine Barrens Credits does not include a yield factor, since these lots were platted with infrastructure allowances. This coincides with the Town's existing old filed map regulations and results in a slightly higher allocation of Pine Barrens Credits for these lots.

Within the Core Preservation Area, it is vital to have as much of the Town's industrially zoned land protected by acquisition as possible, due to the difficulty in allocating Pine Barrens Credits. The Town therefore requests the prioritization of these lands for acquisition through the present state and county programs, especially since many of these parcels fall within ecologically sensitive areas such as the dwarf pine plains. However, the Town does recognize that some owners of industrially zoned land may wish to sell or utilize Pine Barrens Credits for such development. In such cases, the Commission may exercise the right to allocate Pine Barrens Credits on a plan basis.



G







Prepared by Commission Staff (J) on (10/19/2010).

Spring 2007 Digital Orthomagey, NYS Digital  
Orthomagey Program, NY SOCSCIC  
Suffolk County Real Property Tax Service Agency GIS  
Basemap COPYRIGHT 2004, County of Suffolk, N.Y.

**Rudge LOI**  
**900-235-1-59**  
**2007 Aerial**

H



**§ 243-1**

**Purpose.**

A.  
The Town Board finds that old filed maps, as defined in Article XI of the Town of Southampton Zoning Ordinance, will constitute, as they develop, a substantial share of all residential subdivision development in the Town. Further, as a result of the adverse impacts described in the Zoning Ordinance with reference to inadequate subdivision layouts, potential stormwater drainage problems, poor soil quality and consequent tendency for soil erosion and sedimentation, potential discontinuous street system and inadequate public improvements, lack of planning for and provision of playfields, parks and open spaces, the overall impact on residents living in such areas, as well as on all residents of the Town, will be to deteriorate the character of neighborhoods and the community, to decrease potential developed property values and to create hazards to safety and public health. Therefore, the purpose of this article is to provide for the future orderly growth and development of the Town, particularly within the Old Filed Map Overlay District and its environs, affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population; to avoid those adverse impacts described; and to assure achievement of a desirable residential environmental quality in the old filed map subdivision plats.

B.  
This goal shall be implemented by requiring appropriate design and public improvement construction through the authorized jurisdiction of the Planning Board. The procedures shall be similar to those utilized in the review and approval of proposed new land subdivision plats.

C.  
Further, this article deems that all building sites located in the Old Filed Map Overlay District shall be integral elements of the old filed map in which they are located and that, in the aggregate, all the owners of such building sites shall be deemed to be the subdivider for the purpose of discharging the responsibilities related to the development thereof.

D.  
In the procedure under this article, it is the intention of the Town Board that all financial obligations which are customarily the responsibility of the subdivider shall be borne by the building site owners in the old filed map subdivision plat on a fair and equitable basis. These obligations shall include all the initial costs associated with the surveying, planning and engineering, as well as those costs associated with public improvement construction and corollary expenditures necessary in the development of new land subdivisions that conform to the rules and regulations for subdivision of land in the Town of Southampton,

Editor's Note: See Ch. 292, Subdivision of Land, including the Town public road and improvement standards.

E.  
With the enactment of this article, the Building Inspector shall only issue building permits to owners of a building site with a full development right, as provided for in the Old Filed Map Overlay District, where the building site is situated in an old filed map or section thereof approved for development by the Planning Board. Further, any such owner of a building site shall have discharged his financial obligation as subdivider and satisfied such other requirements as the Planning Board may have imposed as a condition of its approval.

F.  
This article establishes methods for funding of public improvements over a period of time so that the Planning Board can prepare a program for financing which will apportion the financial obligations among the building site owners on a fair and equitable basis to the extent possible. However, the Town Board recognizes that the costs for the initial surveying, planning and engineering and for the initial required construction work may exceed the amount of any one owner's pro rata financial obligation. If such owner chooses to apply for development approval on his own, rather than obtaining the participation of additional owners as applicants for development approval, such owner will have to assume such additional amount of the costs as the Planning Board cannot grant approval for the development of a subdivision plat or section thereof without certain prerequisite and essential work having been done by the applicant. This article does authorize a preapplication conference to assist an owner in deciding what course of action to take.

A.

There are more than 300 land subdivision maps located in the Town of Southampton filed in the office of the County Clerk prior to May 13, 1931, which were not approved by either the Planning Board or the Town Board. These land subdivision maps, designated "old filed maps" herein, are comprised of lots as small as 20 feet by 100 feet and even smaller in some cases. The major areas so mapped and as yet essentially undeveloped are in the CR-200, CR-120, R-120, R-80, CR-80, CR-60, CR-40, R-60 and R-40 Districts. Further, they are generally located on the Ronkonkoma Moraine, which is vitally related to the domestic freshwater supply for the Town of Southampton.

B.

As a result of doubtful practices as compared with modern day standards in subdividing, recording and marketing of the lots during this period, some of these old filed maps are impossible to locate accurately or, in fact, may be lost, and in some cases the actual title to lots is questionable.

C.

Although the lots in these old filed maps have remained essentially undeveloped for 45 years or more, owners have generally continued to pay taxes. Some who have failed to do so have lost their property through county tax sale.

D.

Most of the single and separate parcel ownerships on these old filed subdivision map plats are substantially smaller than the minimum required lot size in the applicable district. In most cases, they also have less lot area than that required for new land subdivisions in the same area by the Suffolk County Department of Health Services to meet community water and sewerage facility standards and prevent health hazards. In addition, most have inadequate, if any, improved road access to the Town highway system.

E.

It is apparent that, as they develop, substandard physical conditions will be created on thousands of lots in the vicinity of the very critical Ronkonkoma Moraine, and further, that the open space character of the central portions of the Town will be decimated, thus perpetuating the inadequate standards and planning of a half century ago and penalizing both those who live in the Town today and those who will live in the Town in the future. This would completely negate more than two concentrated years of detailed study and discussion in developing and adopting the Town of Southampton Master Plan, a second two years of effort leading to the adoption of the recodified and comprehensively amended Zoning Law and also the effort expended in preparing and adopting the rules and regulations for subdivision of land in 1975.

Editor's Note: See Ch. 292, Subdivision of Land.  
Its adverse effect would be Townwide.

F.

Among the adverse impacts of such a development pattern would be the following:

(1)

Excessive potential population capacity in relationship to the available groundwater reservoir capacity leading to a domestic water supply shortage and a tendency to lower the groundwater elevation and consequently destroying ponds, streams and saline marsh environments which are also essential to the community and region.

(2)

Little probability of public water and little or no possibility of public sewage disposal leading to the use of individual systems in intensively developed areas.

(3)

Potential groundwater pollution as a result of the concentration of individual sewage disposal systems and also pollution of the domestic water supply as a result of their proximity to individual wells.

(4)

Inadequate subdivision layouts with reference to the topography and management of potential stormwater runoff resulting in drainage problems.



(5)

As a result of poor soil quality, inadequate drainage and subdivision layouts incompatible with the topography, problems related to establishing adequate supporting vegetation, soil erosion and sedimentation.

(6)

Potential discontinuous street system layout and inadequate road improvements providing access for private automobiles, service vehicles and emergency vehicles, resulting in inefficiencies of travel, hazardous conditions, a lower level of service and a blighting influence on the residential environment.

(7)

No planned provision for playfields, parks and open space within the old filed map area and a drastic reduction in the open space character of the entire Town.

(8)

A great diversity of residential lot sizes ranging from 20 feet by 100 feet or 2,000 square feet up to possibly as much as 80,000 square feet, leading to potentially chaotic residential development when it is eventually completed.

(9)

Possible decrease in potential property values for both the improved lots in the old filed maps as well as for those in the broader community area.

(10)

A general inappropriate use of the land as compared with that envisioned and adopted in the Comprehensive Master Plan, the Zoning Law and the rules and regulations for subdivision of land,

Editor's Note: See Ch. 292, Subdivision of Land.

including a change in community character at least in the moraine area, which residents and investors have generally relied upon in making their social and economic commitments.

G.

The Town Board finds that the above adverse impacts on the community, as well as on the immediate old filed map neighborhood, cannot be successfully regulated by application of the customary provisions of the standard zoning districts provided for in the Zoning Law. In these specific situations, to fulfill the community objectives and needs and to assure the preservation of these existing valuable natural resources, special regulatory provisions must be enacted. Further, such special regulations, even though they are necessary to promote the health, safety, morals or the general welfare of the Town, by their very nature will constitute severe constraints on private property which should be recognized through appropriate relief procedures that would not serve to negate the very purposes and intent of this legislation.

H.

Under the provisions of §§ 330-115D and 330-167C of this chapter, a one-family detached dwelling may be erected on a nonconforming lot having less than the minimum required lot area set forth in § 330-11 for the residence district in which the lot is situated. If this right to construct a one-family detached dwelling shall be deemed a full residential development right, such lot prior to the enactment of this subsection had a full residential development right under the existing provisions of this chapter.

I.

With the enactment of this article, it is intended to eliminate the full residential development right with respect to such nonconforming lots in the Old Filed Map Overlay District and to substitute therefor a partial residential development right of a denomination determined by the ratio between the lot area of such lot and the minimum required lot area set forth in § 330-11 for the residence district in which such lot is situated.

J.

As one principal form of relief for the above-noted constraint, partial and full development rights shall be transferable from one lot to another lot within the overlay district. Thus, it is intended to prohibit erection of a one-family detached dwelling on such a nonconforming lot which has only a partial residential development right, unless and until additional partial development rights sufficient to constitute one full residential development right shall have been transferred to such lot. Further, it is intended that such prohibition is applicable notwithstanding the existing provisions of this chapter to the contrary.

Staff EMMETT 4 of 11

K.

In part as a supplemental form of relief, it is the intention of the Town to establish an Old Filed Map Land Bank

Editor's Note: See Ch. 243, Old Filed Maps.

which would be available to purchase lots or residential development rights where necessary. The bank's other function would be to purchase and sell lots and residential development rights where appropriate to facilitate achievement of the planning objectives of the Comprehensive Master Plan and of this chapter.

L.

Therefore, as a result of the above findings and stated purposes, the Town Board of the Town of Southampton hereby establishes this Old Filed Map Overlay District in addition to its existing standard district zoning. This overlay district shall consist of the area encompassed in all old filed maps as provided in this article. This article sets forth the regulations that shall apply in the Old Filed Map Overlay District, in addition to those applicable in the standard district in which a given site is found on the Zoning Map as set forth in Article II.

M.

In no case shall the filing of a certificate of abandonment pursuant to the provisions of § 335 of the Real Property Law, subsequent to the enactment of Articles VIII through XII, exempt such real property described in said certificate of abandonment from the provisions of Articles VIII through XIII.



# 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: 900-235-1-59  
**Applicant:** William J. Rudge  
**Date:** June 29, 2009

 **FILE COPY**

### *Findings of Fact*

The applicant applied for a Letter of Interpretation for the above-referenced 36.96 acre parcel. The parcel is in the Town of Southampton. It was in the CR-200 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 Old Filed (OFM) areas of the Town of Southampton as per Section 6.4.4.1 of the *Plan* that are within the CR-200 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .20. Based upon this allocation formula, 7.392 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*. The allocation is rounded to the nearest hundredth of a credit.

### **The total number of Pine Barrens Credits allocated for this parcel is 7.40**

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

### *Appealing your Allocation*

Any person who is aggrieved by this determination may appeal the allocation within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587. Included with this notice shall be the name and address of the person requesting reconsideration and the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

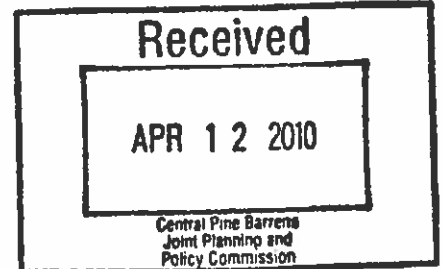


9



April 8, 2010

Ms. Judy Jakobsen  
Pine Barrens Credit Clearinghouse  
PO Box 587  
3525 Sunrise Highway  
2<sup>nd</sup> Floor  
Great River, NY 11739-0587



RE: Letter of Interpretation

Dear Ms. Jakobsen:

Pursuant to our telephone conversation, I have enclosed a copy of the Letter of Interpretation for SCTM 900-235-1-59. The property was transferred from William J. Rudge to Sivan Pound Ridge, LLC on April 7, 2010.

I have enclosed a copy of the certified survey on the transaction which indicates that the parcel contains 38.059 acres instead of the 36.96 acres included within the Letter of Interpretation. I would appreciate it if you could send us a new Letter of Interpretation changing the acreage and the allocation of Pine Barrens Credits. The new owner of the property is as follows:

Sivan Pound Ridge, LLC  
2 Park Ave  
Manhasset, NY 11030

I would appreciate it if you could send me the appropriate Letter of Interpretation when it is completed.

Sincerely,

A handwritten signature in black ink that reads "Mitchell H. Pally".

Mitchell H. Pally  
Partner/Government Relations  
Weber Law Group

**M**

# 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: 900-235-1-59  
**Applicant:** Sivan Pound Ridge, LLC  
**Date:** May 21, 2010

### *Findings of Fact*

The applicant applied for a Letter of Interpretation for the above-referenced 38.06 acre parcel. The parcel is in the Town of Southampton. It was in the CR-200 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 CR-200 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .16. Based upon this allocation formula, 6.0896 Pine Barrens Credits may be allocated to this parcel. Allocations are increased to the hundredth of a credit, therefore this parcel would receive 6.09. 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*.

## **The total number of Pine Barrens Credits allocated for this parcel is 6.09**

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

### *Appealing your Allocation*

Any person who is aggrieved by this determination may appeal the allocation within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587. Included with this notice shall be the name and address of the person requesting reconsideration and the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

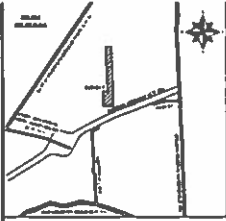




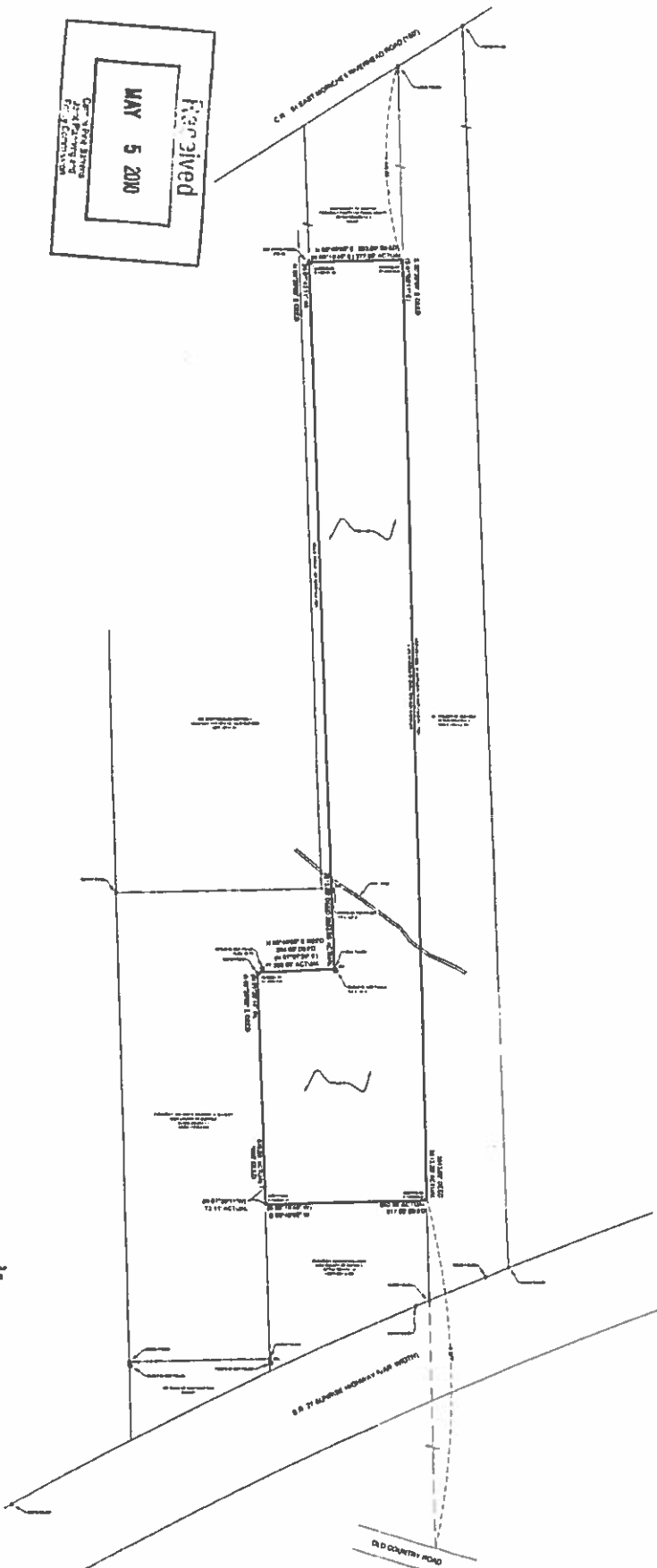
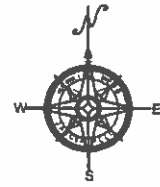
8



K



Received  
MAY 5 2010  
City of New York  
Department of City Planning  
Planning Division



**NOTES**

1. DISTANCES IN PART WITHIN THIS JOB TO THE NEW YORK STATE PLANNING COORDINATE SYSTEM (NAD83).
2. SUBJECT AND ADJOINING PREMISES ARE VACANT AND COMPRISED OF UNDEVELOPED PINE BARREN VEGETATION CHARACTERISTICS.
3. SUBJECT PREMISES COMPRISED OF THE MAPS OF EASTPORT TOWNSECTIONS A AND B, FILED MAP NUMBER 8769 FS TO SEPTEMBER 24, 1944.
4. THE COORDINATE VALUES AND NEADMEATATIONS INDICATED ON THE COURSE OF SURVEY ACQUISITION SURVEY FOR THE HAWKINS WEBB JAEGER A GAP OF APPROXIMATELY 100 FEET BETWEEN SUBJECT PREMISES AND ADJOINING PREMISES IS SHOWN BY A DASHED LINE.

CERTIFIED ONLY TO:  
SIVAN POUND RIDGE LLC  
ADVANTAGE REAL ESTATE AGENCY INC.

MATTHEW D. CANALE L.S. & S.L. L.C.

Received  
MAY 5 2010  
City of New York  
Department of City Planning  
Planning Division

<p><b>SURVEY OF LAND FOR SIVAN POUND RIDGE, LLC</b></p>		<p><b>HAWKINS WEBB JAEGER P.L.L.C.</b> REGISTERED PROFESSIONAL ENGINEERS &amp; SURVEYORS 100 WEST STREET, SUITE 200, NEW YORK, NY 10038 PHONE: (212) 691-1000 FAX: (212) 691-1001 WWW.HAWKINSWEBBJAEGER.COM</p>	<p><b>ENGINEERING &amp; SURVEYING P.L.L.C.</b> MEMBERSHIP TO: <b>HAWKINS WEBB JAEGER</b> SINCE 1977 ARCHITECTS, ENGINEERS, SURVEYORS, PLANNERS AND REAL ESTATE BROKERS MEMBER: NEW YORK STATE ENGINEERING AND SURVEYING BOARD MEMBER: NEW YORK STATE ARCHITECTS BOARD MEMBER: NEW YORK STATE PLANNING BOARD MEMBER: NEW YORK STATE REAL ESTATE BOARD</p>
<p>DATE: 05/04/10</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: SIVAN POUND RIDGE</p> <p>CLIENT: SIVAN POUND RIDGE LLC</p> <p>PROJECT NO: 002-20-100</p>	<p>DATE: 05/04/10</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: SIVAN POUND RIDGE</p> <p>CLIENT: SIVAN POUND RIDGE LLC</p> <p>PROJECT NO: 002-20-100</p>		



L





SUFFOLK COUNTY CLERK  
RECORDS OFFICE  
RECORDING PAGE

Type of Instrument: DEED  
Number of Pages: 5  
Receipt Number : 10-0047113  
TRANSFER TAX NUMBER: 09-21354

Recorded: 04/20/2010  
At: 03:53:51 PM  
LIBER: D00012622  
PAGE: 478

District: 0900      Section: 235.00      Block: 01.00      Lot: 059.000

EXAMINED AND CHARGED AS FOLLOWS

Deed Amount: \$343,000.00

Received the Following Fees For Above Instrument

		Exempt			Exempt
Page/Filing	\$25.00	NO	Handling	\$20.00	NO
COE	\$5.00	NO	NYS SRCHG	\$15.00	NO
EA-CTY	\$5.00	NO	EA-STATE	\$250.00	NO
TP-584	\$5.00	NO	Notation	\$0.00	NO
Cert.Copies	\$0.00	NO	RPT	\$30.00	NO
Transfer tax	\$1,372.00	NO	Comm.Pres	\$4,860.00	NO
			Fees Paid	\$6,587.00	

TRANSFER TAX NUMBER: 09-21354

THIS PAGE IS A PART OF THE INSTRUMENT  
THIS IS NOT A BILL

JUDITH A. PASCALE  
County Clerk, Suffolk County

1 2

Number of pages

5

This document will be public record. Please remove all Social Security Numbers prior to recording.

RECORDED  
2010 Apr 20 03:53:51 PM  
JUDITH A. PASCALE  
CLERK OF  
SUFFOLK COUNTY  
L D00012622  
P 478  
DT# 09-21354

Deed / Mortgage Instrument      Deed / Mortgage Tax Stamp      Recording / Filing Stamps

3		FEES	
Page / Filing Fee	<u>25</u>	Mortgage Amt.	_____
Handling	<u>20.00</u>	1. Basic Tax	_____
TP-584	<u>5</u>	2. Additional Tax	_____
Notation	_____	Sub Total	_____
EA-5217 (County)	<u>5</u>	Spec./Assit.	_____
EA-5217 (State)	<u>250</u>	or	_____
R.P.T.S.A.	<u>30.00</u>	Spec./Add.	_____
Comm. of Ed.	<u>5.00</u>	TOT. MTG. TAX	_____
Affidavit	_____	Dual Town _____ Dual County _____	
Certified Copy	_____	Held for Appointment	_____
NYS Surcharge	<u>15.00</u>	Transfer Tax	<u>1372.-</u>
Other	_____	Mansion Tax	_____
		The property covered by this mortgage is or will be improved by a one or two family dwelling only.	
		YES _____ or NO _____ <b>IT</b>	
		If NO, see appropriate tax clause on page # _____ of this instrument.	
		<u>4-7-10</u>	



4	Dist. 10008114 0900 23500 0100 059000	000	5	Community Preservation Fund
Real Property Tax Service Agency Verification		Consideration Amount \$ <u>343,000</u>		
		CPF Tax Due \$ <u>4860.-</u>		

6	Satisfactions/Discharges/Releases List Property Owners Mailing Address RECORD & RETURN TO:  Weber Law Group LLP 290 Broadhollow Road, Suite 200E Melville, New York 11747 Attn: Bram D. Weber, Esq.	Improved _____ Vacant Land <input checked="" type="checkbox"/> TD _____ TD _____ TD _____
---	---	---

Mail to: Judith A. Pascale, Suffolk County Clerk 310 Center Drive, Riverhead, NY 11901 www.suffolkcountyny.gov/clerk	7	Title Company Information Co. Name <u>Advantage Title Agency, Inc.</u> Title # <u>10-CS-42093</u>
--	---	---

### 8 Suffolk County Recording & Endorsement Page

This page forms part of the attached DEED made by: \_\_\_\_\_ (SPECIFY TYPE OF INSTRUMENT)

William John Rudge, IV The premises herein is situated in \_\_\_\_\_ SUFFOLK COUNTY, NEW YORK.

TO \_\_\_\_\_ In the TOWN of Southampton  
Sivan Pound Ridge, LLC in the VILLAGE \_\_\_\_\_  
or HAMLET of Eastport

## IMPORTANT NOTICE

If the document you've just recorded is your SATISFACTION OF MORTGAGE, please be aware of the following:

If a portion of your monthly mortgage payment included your property taxes, you will now need to contact your local Town Tax Receiver so that you may be billed directly for all future property tax statements.

Local property taxes are payable twice a year: on or before January 10<sup>th</sup> and on or before May 31<sup>st</sup>. Failure to make payments in a timely fashion could result in a penalty.

Please contact your local Town Tax Receiver with any questions regarding property tax payment.

Babylon Town Receiver of Taxes  
200 East Sunrise Highway  
North Lindenhurst, N.Y. 11757  
(631) 957-3004

Brookhaven Town Receiver of Taxes  
One Independence Hill  
Farmingville, N.Y. 11738  
(631) 451-9009

East Hampton Town Receiver of Taxes  
300 Pantigo Place  
East Hampton, N.Y. 11937  
(631) 324-2770

Huntington Town Receiver of Taxes  
100 Main Street  
Huntington, N.Y. 11743  
(631) 351-3217

Islip Town Receiver of Taxes  
40 Nassau Avenue  
Islip, N.Y. 11751  
(631) 224-5580

Riverhead Town Receiver of Taxes  
200 Howell Avenue  
Riverhead, N.Y. 11901  
(631) 727-3200

Shelter Island Town Receiver of Taxes  
Shelter Island Town Hall  
Shelter Island, N.Y. 11964  
(631) 749-3338

Smithtown Town Receiver of Taxes  
99 West Main Street  
Smithtown, N.Y. 11787  
(631) 360-7610

Southampton Town Receiver of Taxes  
116 Hampton Road  
Southampton, N.Y. 11968  
(631) 283-6514

Southold Town Receiver of Taxes  
53095 Main Street  
Southold, N.Y. 11971  
(631) 765-1803

Sincerely,



Judith A. Pascale  
Suffolk County Clerk

dw  
2/99

571  
#1370

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on *AS of April 7, 2010*

BETWEEN

WILLIAM JOHN RUDGE, IV, residing at 1701 S.W. Palm City Road, Stuart, FL 34994

party of the first part, and

SIVAN POUND RIDGE, LLC, with a place of business at 2 Park Avenue  
Manhasset, NY 11030

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the



SEE SCHEDULE "A" ATTACHED.

District:  
0900

Section:  
235.00

Block:  
01.00

Lot:  
059.000

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises: TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*William John Rudge, IV*  
William John Rudge, IV

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of ss.:

On before me, the undersigned, personally appeared ~~XXXXXXXXXXXXXXXXXXXX~~

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of Florida County of MARTIN ss.:

On April 2, 2010 before me, the undersigned, personally appeared William John Rudge, IV

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in STUART, FL

(insert city or political subdivision and state or county or other place acknowledgment taken)

(signature and office of individual taking acknowledgment)

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR  
TITLE No. 10-CS-42093  
E. Christopher De Santis  
Commission DO 064551  
Expires April 18, 2011  
Notary Public - State of Florida 00000000000000000000

William John Rudge, IV

TO

Sivan Pound Ridge, LLC

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of County of ss.:

On before me, the undersigned, personally appeared

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof).

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(If taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken. And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

District 0900  
SECTION 235.00  
BLOCK 01.00  
LOT 059.000  
COUNTY OR TOWN Suffolk

RETURN BY MAIL TO:

Weber Law Group LLP  
290 Broadhollow Rd., Suite 200E  
Melville, NY Zip No. 11747  
Attn: BRAM D. Weber, Esq.

Reserve this space for use of Recording Office.



**ADVANTAGE TITLE AGENCY, INC.**

**Title No. 10-CS-42093 (611S23304)**

**SCHEDULE A**

**Amended April 7, 2010**

**ALL that certain plot, piece or parcel of land, situate, lying and being at Eastport, Town of Southampton, County of Suffolk and State of New York, being bounded and described as follows:**

**BEGINNING at the Northeasterly corner of the premises about to be described, said point being distant 4,448.65 feet Southerly from the point where the Northwesterly corner of land now or formerly of the County of Suffolk as set forth in the deed recorded in Liber 11913 Page 197 intersects the Southerly line of C.R. 51 (East Moriches - Riverhead Road);**

**RUNNING THENCE from said point of beginning along said land now or formerly of the County of Suffolk, South 01 degree 08 minutes 11 seconds East, 3,813.20 feet (actual), South 00 degrees 20 seconds 00 seconds East 3,813.00 (deed), to the Northeasterly corner of land now or formerly of Adolph Hollands, now County of Suffolk, said point being also distant 6,577.00 feet from a point in the Northerly line of Old County Road;**

**THENCE South 88 degrees 16 minutes 49 seconds West along said last mentioned land, 650.35 feet (actual), South 89 degrees 40 minutes 00 seconds West, 617.00 feet (deed) to land now or formerly of William H. Hallock and H. Blackly now County of Suffolk as per deed recorded in Liber 11210 Page 345;**

**THENCE along said last mentioned land the following three (3) courses and distances:**

- 1. North 01 degree 20 minutes 11 seconds West, 73.11 feet;**
- 2. North 01 degree 36 minutes 14 seconds West, 870.00 feet (actual), North 00 degrees 20 minutes 00 seconds East, 1,000 feet (deed), as to a concrete monument;**
- 3. North 87 degrees 07 minutes 29 seconds East, 309.93 feet (actual), North 89 degrees 40 minutes 00 seconds East, 264.00 feet (deed);**

**FOR  
CONVEYANCING  
ONLY**

**The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.**

**TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.**

**ADVANTAGE TITLE AGENCY, INC.**

**Title No. 10-CS-42093 (611S23304)**

**SCHEDULE A (continued)**

THENCE North 01 degree 43 minutes 11 seconds West, 2,863.65 feet (actual), North 00 degrees 20 minutes 00 seconds East, 2,813.00 feet (deed), to the Southwesterly corner of land now or formerly Fourth National Realty now County of Suffolk;

THENCE along said last mentioned land, North 88 degrees 16 minutes 49 seconds East, 377.06 feet (actual), North 89 degrees 40 minutes 00 seconds East, 353.00 feet (deed) to the point or place of BEGINNING.

"Being the same premises described in the deed to the party of the first part herein from William John Rudge, IV, as Ancillary Administrator of the Estate of William John Rudge, III, deceased, dated July 31, 2002 and recorded November 4, 2002 in Liber 12218 Page 310. Said premises are known and designated as District 0900, Section 235.00, Block 01.00, Lot 059.000."

**FOR  
CONVEYANCING  
ONLY**

**The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.**

**TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.**

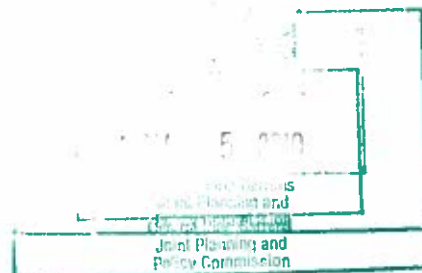
THE STATE OF NEW YORK  
NYS CENTRAL PINE BARRENS COMMISSION

-----X  
In the Matter of

The Letter of Interpretation Appeal for Sivan  
Pound Ridge.

Location:  
North of sunrise Highway and South of CR 51  
(East Moriches Riverhead Road) in Eastport.

Suffolk County Tax Map Number  
900-235-1-59  
-----X



Brookhaven Town Hall  
1 Independence Hill  
Farmingville, New York 11738

Wednesday,  
October 20, 2010

The above entitled matter came on for hearing at 3:00 p.m.



ARTI Recording

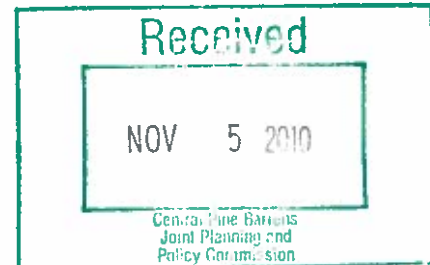
Telephone: 212.349.9692  
Facsimile: 212.557.2152

One Penn Plaza  
Suite 4715  
New York, NY 10119

August 5, 2010

**VIA FEDERAL EXPRESS**

John C. Milazzo, Esq.  
Central Pine Barrens Joint Planning and Policy Commission  
3525 Sunrise Highway  
Second Floor  
Great River, New York 11739-0587



Re: Pine Barrens Credit Appeal  
Applicant: Sivan Pound Ridge, LLC  
293 Woodland, Eastport, New York  
SCTM: 0900-235.00-01.00-059.000

Dear Mr. Milazzo:

We are counsel to Sivan Pound Ridge, LLC (the "Appellant"). The Appellant is the fee owner of a parcel of real property identified on the Suffolk County Tax Map as 0900-235.00-01.00-059.000 (the "Subject Parcel") having acquired the Subject Parcel on or about April 7, 2010. The Subject Parcel is +/- 38.059 acres of vacant land in the Hamlet of Eastport, Town of Southampton. The Appellant is appealing to the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") the Pine Barrens Credit Clearinghouse's (the "Clearinghouse") May 21, 2010 Letter of Interpretation that superseded and replaced the June 29, 2009 Letter of Interpretation for the Subject Parcel.

On June 29, 2009, William J. Rudge IV the predecessor in title to the Appellant received a Letter of Interpretation from the Pine Barrens Credit Clearinghouse that allocated 7.40 credits to the Subject Parcel (attached hereto as Exhibit "A"). In or about December 2009, the Appellant was informed about a property for sale consisting of +/- 38.059 acres of vacant Central Pine Barrens land located in the Town of Southampton and that the owner was in possession of a Letter of Interpretation from the Clearinghouse that allocated 7.40 Pine Barrens Credits for the Subject Parcel. Soon after, in or about January 2010, Daniel Mermel the Managing Member of Sivan Pound Ridge, LLC contacted the Clearinghouse to inquire further into this matter (attached hereto as Exhibit "B" is an affidavit of Daniel Mermel attesting to his conversation with the Clearinghouse). Mr. Mermel was advised that Mr. Rudge had received a Letter of Interpretation from the Clearinghouse dated June 29, 2009 and that it was valid for one year from that date. A discussion ensued regarding the derivation of this allocation and the remaining steps to have the 7.40 Pine Barrens Credit Certificates issued. Subsequent to the Appellant's conversation with the Clearinghouse Staff and after a review of the June 29, 2009 Letter of Interpretation (the Clearinghouse Staff faxed a file copy to the Appellant) the Appellant made an offer to Mr.

Rudge for the purchase of the Subject Parcel based on the value of the 7.40 Pine Barrens Credits that the Subject Parcel would yield.

Except for the 7.40 Pine Barrens Credits, the Appellant had no use for the Subject Parcel. An entity related to the Appellant is the owner of Independence Plaza, a +/- 250,000 sq. ft. shopping center on +/- 33.84 acres in Selden, Town of Brookhaven. Independence Plaza is a significant community asset for the Selden/Middle Country Road area. The shopping center and its owners receive significant support from the Selden Civic Association, the Middle Country Coalition for Smart Growth, and the Middle Country Public Library – Selden branch because of the owner's dedication to creating a safe, attractive and welcoming environment at the shopping center. The shopping center is the central hub of the community for its annual Christmas tree lighting ceremony and the parking lot of Independence Plaza was the site for the "Fourth Legislative District Free Community Concert" this summer. With the full support of the Town of Brookhaven and the local civic associations, the owners of Independence Plaza applied for, and received, Town approval to expand the shopping center to bring to it new tenants desired by the community, as well as implement smart growth principals. In order to accomplish the redevelopment, Appellant needs the 7.40 Pine Barrens Credits to satisfy the requirements of the Suffolk County Department of Health.

On or about February 24, 2010 William J. Rudge IV and Sivan Properties Corp., entered into a contract of sale for the Subject Parcel based on a mutually agreed on price that was derived from the 7.40 Pine Barrens Credits allocated in the June 29, 2009 Letter of Interpretation (the contract was subsequently assigned to Sivan Pound Ridge, LLC which is an entity related to Sivan Properties Corp.). Great expense was undertaken by the Appellant to consummate this transaction. The Appellant had to retain an environmental engineer to conduct a Phase I Environmental Site Assessment and a surveyor to survey the property. Surveying the Subject Parcel was not a simple or inexpensive undertaking. As the Subject Parcel is located in the middle of an undeveloped portion of the Pine Barrens the surveyor had very few monuments to work from resulting in weeks of surveyor field time and expense (attached hereto as Exhibit "C" is the survey of the Subject Parcel prepared by Hawkins Webb Jaeger PLLC). All of which was carried out in reliance on the June 29, 2009 Letter of Interpretation.

On or about April 7, 2010, the Appellant became the fee owner of the Subject Parcel (attached hereto as Exhibit "D" is the deed for the Subject Parcel). The Appellant on or about May 5, 2010 submitted the requisite Pine Barrens Credit Certificate Application and associated documents to the Clearinghouse in accordance with the Central Pine Barrens Comprehensive Land Use Plan and the Pine Barrens Credit Program Handbook. On or about May 21, 2010 the Appellant was informed by letter that the Clearinghouse's June 29, 2009 Letter of Interpretation was incorrect as to the number of Pine Barrens Credits allocated to the Subject Parcel and a new Letter of Interpretation, also dated May 21, 2010, was issued to replace the June 29, 2009 Letter of Interpretation. The May 21, 2010 letter offered no details or explanation regarding the allocation error other than stating that a credit allocation error occurred (attached hereto as Exhibit "E" are the May 21, 2010 letters).

The May 21, 2010 Letter of Interpretation reduced the total number of Pine Barrens Credits allocated to the Subject Parcel from 7.40 Pine Barrens Credits to 6.09 Pine Barrens

Credits. As previously discussed, the purchase price for the Subject Parcel was based entirely on the 7.40 Pine Barrens Credit allocation. As a result of the Appellant's total reliance upon the June 29, 2009 Letter of Interpretation and the Appellant's conversations with the Clearinghouse, the Appellant has suffered injury in the amount of 1.31 Pine Barrens Credits as a result of such reliance.

Furthermore, we believe that the calculation of 7.40 Pine Barrens Credits memorialized in the June 29, 2009 Letter of Interpretation is the correct credit allocation for the Subject Parcel. The Subject Parcel is located in the CR-200 District of the Town of Southampton. Pursuant to § 6.3.1.1.9 of the Central Pine Barrens Comprehensive Land Use Plan (the "Land Use Plan") the development yield factor in the CR-200 District is 0.16 Pine Barrens Credit per acre. However, the Subject Parcel is situated on the Old Filed Map of Eastport Manor Sections A and B (Filed Map No. 250, Filed September 24, 1915) (attached hereto as Exhibit "F"). In the case of old filed map lots in the Town of Southampton, the Land Use Plan does not include a yield factor as old filed map lots were platted with infrastructure allowances. (*see* § 6.4.4.1). Nevertheless, the Commission has interpreted section § 6.4.4.1 of the Land Use Plan to permit a slightly higher allocation of Pine Barrens Credits for old filed map lots. In the Matter of the Appeal of Joseph Zachary Gazza (April 10, 2002), Mr. Gazza was the fee owner of lots on an old filed map located in the CR-200 District of the Town of Southampton. The Clearinghouse initially applied a yield factor of 0.16 Pine Barrens Credits per acre and Mr. Gazza appealed. The Commission held that the development yield factor for old filed map lots in the CR-200 District of the Town of Southampton is 0.20 Pine Barrens Credits per acre and that this would apply in all such future allocation corrections. Accordingly, because of In the Matter of the Appeal of Joseph Zachary Gazza (April 10, 2002), the Clearinghouse erred in reducing the yield factor from 0.20 to 0.16 after the issuance of the June 29, 2009 Letter of Interpretation correctly reflected a yield factor of 0.20.

For all of the foregoing reasons, it is respectfully requested that the Commission direct the Clearinghouse to issue 1.31 Pine Barrens Credits to the Appellant.

Respectfully,



Bram D. Weber

Encls.

cc: Mr. John Pavacic, Executive Director of the Central Pine Barrens Commission  
Ms. Judy Jakobsen, Pine Barrens Clearinghouse  
Sivan Pound Ridge LLC

# PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., CHAIRMAN  
ANDREW P. FRELENG, AICP, VICE CHAIRMAN  
MITCHELL H. PALLY, ESQ., MEMBER  
RICHARD W. HANLEY, MEMBER  
ROBERT ANRIG, MEMBER

June 29, 2009

Mr. William J. Rudge  
1701 Palm City Rd.  
Stuart, Florida, 34994

 FILE COPY

Re: Letter of Interpretation for SCTM # 900-235-1-59

Dear Mr. William J. Rudge:

Please find enclosed the Letter of Interpretation for the above-referenced parcel pursuant to your application.

Issuance of this Letter of Interpretation is the first step in obtaining Pine Barrens Credits for the parcel. The entire process is detailed in the *Pine Barrens Credit Handbook*. I encourage your review of the *Handbook*. To facilitate your application for Pine Barrens Credit Certificates, please find enclosed a Pine Barrens Credit Certificate application form. Also enclosed is the Central Pine Barrens Joint Planning and Policy Commission resolution on title policy which explains how title issues will be addressed.

If you have any questions concerning the Pine Barrens Credit Program, please feel free to contact the Clearinghouse at (631) 563-0306. Thank you for participating in the Pine Barrens Credit Program.

Very truly yours,



Judy Jakobsen  
Clearinghouse Staff

Enclosures

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587  
631-224-2604 / FAX 631-224-7653  
<http://pb.state.ny.us>

# 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: 900-235-1-59  
 Applicant: William J. Rudge  
 Date: June 29, 2009

 FILE COPY

### Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced 36.96 acre parcel. The parcel is in the Town of Southampton. It was in the CR-200 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 Old Filed (OFM) areas of the Town of Southampton as per Section 6.4.4.1 of the *Plan* that are within the CR-200 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .20. Based upon this allocation formula, 7.392 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*. The allocation is rounded to the nearest hundredth of a credit.

**The total number of Pine Barrens Credits allocated for this parcel is 7.40**

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

### Appealing your Allocation

Any person who is aggrieved by this determination may appeal the allocation within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587. Included with this notice shall be the name and address of the person requesting reconsideration and the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587  
 631-224-2604 / FAX 631-224-7653  
<http://pb.state.ny.us>



AFFIDAVIT OF DANIEL MERMEL

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF SUFFOLK     )

DANIEL MERMEL, being duly sworn, deposes and says:

1. I am a managing member of Sivan Pound Ridge, LLC (“Sivan Pound Ridge”).
2. In my capacity as managing member of Sivan Pound Ridge, I am responsible for overseeing the management of Sivan Pound Ridge’s business affairs.
3. In or about December 2009, I was informed about a property for sale consisting of +/- 38.059 acres of vacant Central Pine Barrens land located in the Town of Southampton and identified on the Suffolk County Tax Map as 0900-235.00-01.00-059.000 (the “Subject Parcel”).
4. I was informed that the fee owner of the Subject Parcel, William J. Rudge IV, was in possession of a Letter of Interpretation from the Pine Barrens Credit Clearinghouse (the “Clearinghouse”) that allocated 7.40 Pine Barrens Credits to the Subject Parcel and was provided a copy of that Letter of Interpretation.
5. In or about January 2010, I contacted the Clearinghouse to conduct my due diligence relating to the acquisition of the Subject Parcel and the credit allocation contained in the Letter of Interpretation.
6. The Clearinghouse advised me that William J. Rudge IV had applied for and received a Letter of Interpretation from the Clearinghouse for 7.40 credits and that it was valid for one year from the date of the letter which was dated June 29, 2009.

7. I then inquired how the allocated Pine Barrens Credits for the Subject Parcel are derived by the Clearinghouse and was informed that the yield calculation for Pine Barrens Credits is a function of the acreage of the property multiplied by a yield factor.
8. I then discussed the steps required to obtain the actual credit certificates and was referred to the Pine Barrens Credit Program Handbook.
9. Subsequent to this conversation with the Clearinghouse, the Clearinghouse faxed to me a file copy of the June 29, 2009 Letter of Interpretation.
10. In or about February 2010, after discussing the Letter of Interpretation with the Clearinghouse, I was able to assess the value of the Subject Parcel based on the 7.40 Pine Barrens Credits and made an offer to Mr. Rudge based on the 7.40 Pine Barrens Credits yield in the Letter of Interpretation.
11. Other than the Pine Barrens Credits that the Subject Parcel would yield, Sivan Pound Ridge has no use for the Subject Parcel. The property is inaccessible from any major roadway and is entirely surrounded by public land. The acquisition of the Subject Property was entirely based on the 7.40 Pine Barrens Credit yield so that the entirety of those credits could be used for a Town and community-supported expansion of Independence Plaza, a shopping center in Selden.
12. On or about February 24, 2010, Sivan Properties Corp. entered into a contract of sale with William Rudge IV to acquire the Subject Parcel based on a mutually agreed price that was derived from the 7.40 Pine Barrens Credits allocated in the June 29, 2009 Letter of Interpretation. I am an officer of Sivan Properties Corp. and subsequently assigned the contract of sale to Sivan Pound Ridge.

13. In reliance on the June 29, 2009 letter I retained an environmental engineer and surveyor to conduct my site due diligence.
14. The retention of an environmental engineer and surveyor was undertaken at great expense as the Subject Parcel is located in the middle of the Pine Barrens with very few monuments that delineate its location. The survey process took six weeks to complete at great expense.
15. A Phase I environmental assessment was also conducted as were soil samples in specific locations to confirm the undisturbed nature of the property.
16. On or about April 7, 2010, Sivan Pound Ridge became the fee owner of the Subject Parcel.
17. On or about May 5, 2010, Sivan Pound Ridge through its attorney submitted the requisite Pine Barrens Credit Certificate Application and the associated documents to the Clearinghouse for issuance of the 7.40 Pine Barrens Credits.
18. On or about May 21, 2010, I was informed by letter by the Clearinghouse that the June 29, 2009 Letter of Interpretation was incorrect as to the number of Pine Barrens Credits allocated to the Subject Parcel and a new Letter of Interpretation, also dated May 21, 2010, was issued to replace the June 29, 2009 Letter of Interpretation.
19. The May 21, 2010 Letter of Interpretation reduced the total number of Pine Barrens Credits allocated to the Subject Parcel from 7.40 Pine Barrens Credits to 6.09 Pine Barrens Credits.
20. The consideration paid for the Subject Parcel was derived from 7.40 Pine Barrens Credits, not 6.09 Pine Barrens Credits. Since the Subject Parcel is unbuildable, the 7.40

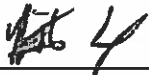
Pine Barrens Credits available was the sole factor relied upon in valuing and purchasing the Subject Parcel.

21. Consequently, as a result of my reliance on the June 29, 2009 Letter of Interpretation and my conversation with the Clearinghouse, and as a result of a credit allocation error outside the control of Sivan Pound Ridge, Sivan Pound Ridge is deprived of 1.31 Pine Barrens Credits.



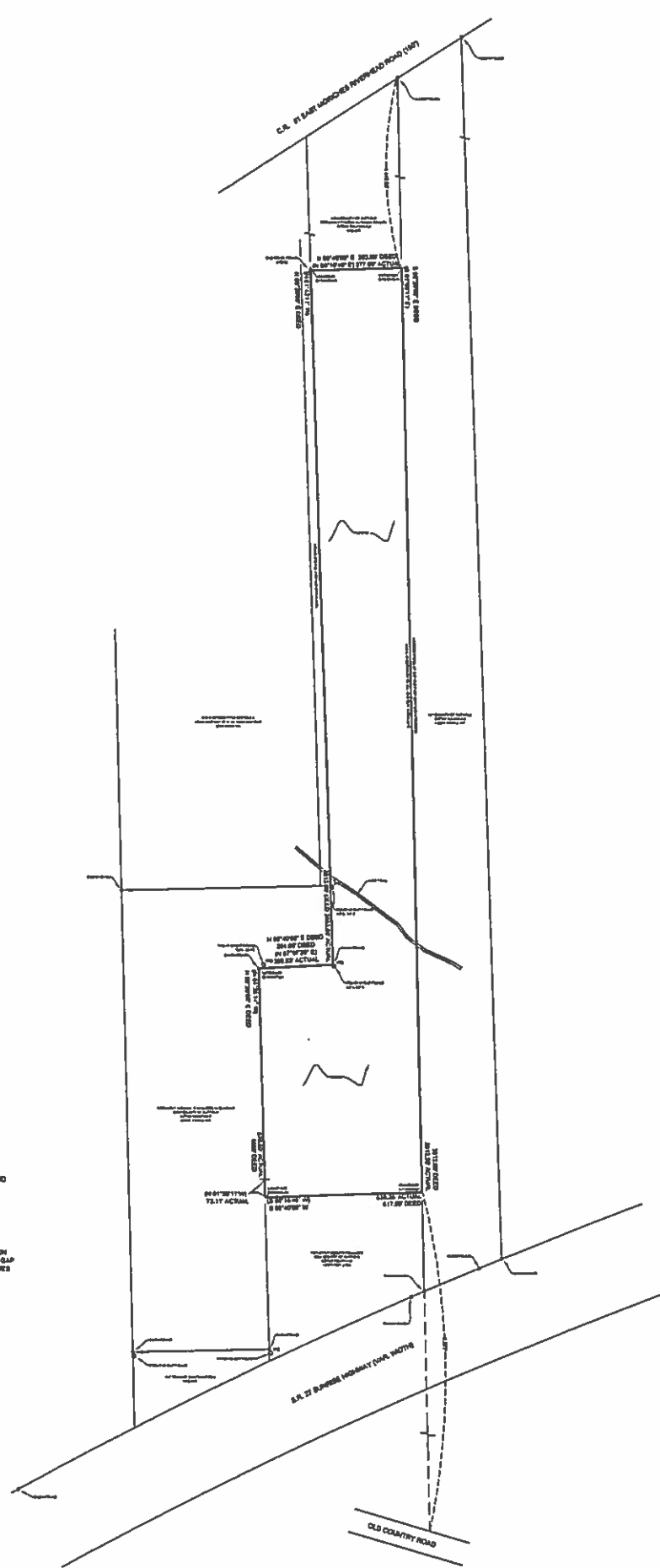
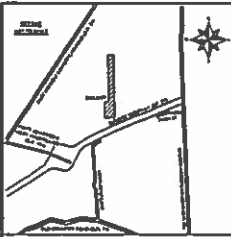
\_\_\_\_\_  
DANIEL MERMEL

Sworn to before me this  
5 day of August 2010



\_\_\_\_\_  
Notary Public

**MICHAEL G. COX**  
Notary Public, State of New York  
No. 02CO8222058  
Qualified in Suffolk County  
Commission Expires May 17, 2014



- NOTES:**
1. BEARINGS IN PARENTHESES ARE IN THE NEW YORK STATE PLANE COORDINATE SYSTEM, NAD83.
  2. SUBJECT AND ADJOINING PREMISES ARE VACANT AND COMPOSED OF MIXED PINE BARROWS VEGETATION COMMUNITIES.
  3. SUBJECT PREMISES COMPRISED OF THE MAPS OF EASTPORT MANOR SECTIONS 4 AND 8, FILED MAP NUMBER 280, FILED SEPTEMBER 24, 1913.
  4. THE COORDINATE VALUES AND DEMONSTRATION INDICATED ON THE COUNTY OF SUFFOLK ACQUISITION SURVEY FOR THIS WESTLY ADJOINER REVEALS A GAP OF APPROXIMATELY 100' BETWEEN SUBJECT PREMISES WESTERN BOUNDARY. SEE SURVEY PREPARED BY LOCKWOOD KESSLER & GARTLETT DATED 10/08/06.

CERTIFIED ONLY TO:  
 SIVAN POUND RIDGE, LLC  
 ADVANTAGE TITLE HONEYCREEK, INC.

MATTHEW G. CRANE, L.S., W.S., L.C., 40808

NO.	DESCRIPTION	DATE	BY	REVISION
1	DATE OF SURVEY	08/14/2014	MGC	
2	DATE OF PLAN	08/14/2014	MGC	
3	DATE OF RECORDING	08/14/2014	MGC	
4	DATE OF CLOSURE	08/14/2014	MGC	
5	DATE OF REVISION	08/14/2014	MGC	
6	DATE OF CORRECTION	08/14/2014	MGC	
7	DATE OF AMENDMENT	08/14/2014	MGC	
8	DATE OF CANCELLATION	08/14/2014	MGC	
9	DATE OF RECALL	08/14/2014	MGC	
10	DATE OF REPRODUCTION	08/14/2014	MGC	

**SURVEY OF LAND FOR SIVAN POUND RIDGE, LLC**

ESTIMATE AT: SOUTHAMPTON, N.Y.

SCALE: 1"=100'

**HAWKINS WEBB JAEGER PLLC**  
 ARCHITECTS, ENGINEERS, SURVEYORS, PLANNERS

200 RYE, 110 WHEATFIELD & 2ND ST. 1ST FLOOR WHEATFIELD, N.Y. 11792  
 609.271.1100 FAX 609.271.1101

**ENGINEERING & SURVEYING M.L.L.C.**  
 AN AFFILIATE OF  
**HAWKINS WEBB JAEGER**  
 SINCE 1972

**ARCHITECTS, ENGINEERS, SURVEYORS, PLANNERS**

200 RYE, 110 WHEATFIELD & 2ND ST. 1ST FLOOR WHEATFIELD, N.Y. 11792  
 609.271.1100 FAX 609.271.1101



T 651 - Standard N.Y.S.T.L. Form 600; Surplus & sale deed.  
with covenant against grantor's acts - Ind. or Corp. single sheet. 11-52

DISTRIBUTED BY Stenberg Executor, Inc.  
NYC 10013

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

Handwritten: 271, \$1378.00

THIS INDENTURE, made on *AS of APRIL 7, 2010*

BETWEEN

WILLIAM JOHN RUDGE, IV, residing at 1701 S.W. Palm City Road, Stuart, FL 34994

party of the first part, and

SIVAN FOUNO RIDGE, LLC, with a place of business at 2 Park Avenue  
Manhasset, NY 11030

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant, and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the



SEE SCHEDULE "A" ATTACHED.

District:  
0900

Section:  
235.00

Block:  
01.00

Lot:  
059.000

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.  
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.  
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*William John Rudge, IV*  
William John Rudge, IV

**ADVANTAGE TITLE AGENCY, INC.**

**Title No. 10-CS-42093 (611S23304)**

**SCHEDULE A**

**Amended April 7, 2010**

**ALL that certain plot, piece or parcel of land, situate, lying and being at Eastport, Town of Southampton, County of Suffolk and State of New York, being bounded and described as follows:**

**BEGINNING at the Northeasterly corner of the premises about to be described, said point being distant 4,448.65 feet Southerly from the point where the Northwesterly corner of land now or formerly of the County of Suffolk as set forth in the deed recorded in Liber 11913 Page 197 intersects the Southerly line of C.R. 51 (East Moriches - Riverhead Road);**

**RUNNING THENCE from said point of beginning along said land now or formerly of the County of Suffolk, South 01 degree 08 minutes 11 seconds East, 3,813.20 feet (actual), South 00 degrees 20 seconds 00 seconds East 3,813.00 (deed), to the Northeasterly corner of land now or formerly of Adolph Hollands, now County of Suffolk, said point being also distant 6,577.00 feet from a point in the Northerly line of Old County Road;**

**THENCE South 88 degrees 16 minutes 49 seconds West along said last mentioned land, 650.35 feet (actual), South 89 degrees 40 minutes 00 seconds West, 617.00 feet (deed) to land now or formerly of William H. Hallock and H. Blackly now County of Suffolk as per deed recorded in Liber 11210 Page 345;**

**THENCE along said last mentioned land the following three (3) courses and distances:**

- 1. North 01 degree 20 minutes 11 seconds West, 73.11 feet;**
- 2. North 01 degree 36 minutes 14 seconds West, 870.00 feet (actual), North 00 degrees-20 minutes 00 seconds East, 1,000 feet (deed), as to a concrete monument;**
- 3. North 87 degrees 07 minutes 29 seconds East, 309.93 feet (actual), North 89 degrees-40 minutes 00 seconds East, 264.00 feet (deed);**

**FOR  
CONVEYANCING  
ONLY**

**The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.**

**TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.**

**ADVANTAGE TITLE AGENCY, INC.**

Title No. 10-CS-42093 (611S23304)

**SCHEDULE A** (continued)

THENCE North 01 degree 43 minutes 11 seconds West, 2,863.65 feet (actual), North 00 degrees 20 minutes 00 seconds East, 2,813.00 feet (deed), to the Southwesterly corner of land now or formerly Fourth National Realty now County of Suffolk;

THENCE along said last mentioned land, North 88 degrees 16 minutes 49 seconds East, 377.06 feet (actual), North 89 degrees 40 minutes 00 seconds East, 353.00 feet (deed) to the point or place of BEGINNING.

["Being the same premises described in the deed to the party of the first part herein from William John Rudge, IV, as Ancillary Administrator of the Estate of William John Rudge, III, deceased, dated July 31, 2002 and recorded November 4, 2002 in Liber 12218 Page 310. Said premises are known and designated as District 0900, Section 235.00, Block 01.00, Lot 059.000."]

**FOR  
CONVEYANCING  
ONLY**

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.



ACKNOWLEDGMENT IN NEW YORK STATE (RPL 309-a)

State of New York, County of ss.:

On before me, the undersigned, personally appeared ~~William John Rudge, IV~~

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 308-b)

State of Florida County of MARTIN ss.:

On April 2, 2010 before me, the undersigned, personally appeared William John Rudge, IV

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in STUART, FL

(insert city or political subdivision and state or county or other place acknowledgment taken)

(signature and office of individual taking acknowledgment)

Bargain and Sale Deed With COVENANT AGAINST GRANTOR E Christopher De Santis Commission DD 664551 Expires April 18, 2011

William John Rudge, IV

TO

Sivan Pound Ridge, LLC

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of County of ss.:

On before me, the undersigned, personally appeared.

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(if taken outside New York State insert city or political subdivision and state or county or other place acknowledgment taken And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

District 0900 SECTION 235.00 BLOCK 01.00 LOT 059.000 COUNTY OR TOWN Suffolk

RETURN BY MAIL TO:

Weber Law Group LLP 290 Broadhollow Rd., Suite 200E Melville, NY Zip No. 11747 Attn: Brian D. Weber, Esq.

Reserve this space for use of Recording Office.

# PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., *CHAIRMAN*  
ANDREW P. FRELENG, AICP, *VICE CHAIRMAN*  
MITCHELL H. PALLY, ESQ., *MEMBER*  
RICHARD W. HANLEY, *MEMBER*  
ROBERT ANRIG, *MEMBER*

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May 21, 2010

Michael Cox, Esq.  
Weber Law Group, LLP  
290 Broadhollow Road, Suite 200E  
Melville, NY 11747-4818

Re: Letter of Interpretation for Sivan Pound Ridge, LLC SCTM # 900-235-1-59

Dear Mr. Cox,

Please find enclosed the Letter of Interpretation (LOI) for the above-referenced parcel pursuant to your client's application. This LOI replaces the former LOI issued for Mr. Rudge dated June 29, 2010 which contained an credit allocation error.

Issuance of this Letter of Interpretation is the first step in obtaining Pine Barrens Credits for the parcel. The entire process is detailed in the *Pine Barrens Credit Handbook* which was previously sent to you with a Pine Barrens Credit Certificate application form, and the Central Pine Barrens Joint Planning and Policy Commission resolution on title policy which explains how title issues will be addressed.

Information on Pine Barrens Credit transactions such as conveyances, redemptions, and Pine Barrens Credit sale prices, is available at the Clearinghouse's website at

[http://www.pb.state.ny.us/chart\\_pbc\\_main\\_page.htm](http://www.pb.state.ny.us/chart_pbc_main_page.htm)

If you have any questions concerning the Pine Barrens Credit Program, please feel free to contact the Clearinghouse at (631) 563-0306. Thank you for participating in the Pine Barrens Credit Program.

Very truly yours,

Judy Jakobsen  
*Clearinghouse Staff*

Enclosures

# 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: 900-235-1-59  
**Applicant:** Sivan Pound Ridge, LLC  
**Date:** May 21, 2010

### *Findings of Fact*

The applicant applied for a Letter of Interpretation for the above-referenced 38.06 acre parcel. The parcel is in the Town of Southampton. It was in the CR-200 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 CR-200 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .16. Based upon this allocation formula, 6.0896 Pine Barrens Credits may be allocated to this parcel. Allocations are increased to the hundredth of a credit, therefore this parcel would receive 6.09. 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*.

## **The total number of Pine Barrens Credits allocated for this parcel is 6.09**

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

### *Appealing your Allocation*

Any person who is aggrieved by this determination may appeal the allocation within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587. Included with this notice shall be the name and address of the person requesting reconsideration and the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587  
631-224-2604 / FAX 631-224-7653  
<http://pb.state.ny.us>

8-18

SECTION A  
SITUATE AT  
**EASTPORT M**  
EASTPORT, SUFFOLK  
PROPERTY OF  
ATLANTIC COAST LAND AND DEVELOP  
MENT COMPANY,  
MAIN OFFICE, WOOLWORTH BLDG,  
NEW YORK CITY.

**ANOR**  
CO. N. Y.  
MENT COMPANY,  
LDING.

Section B

100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140
100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140

Section B

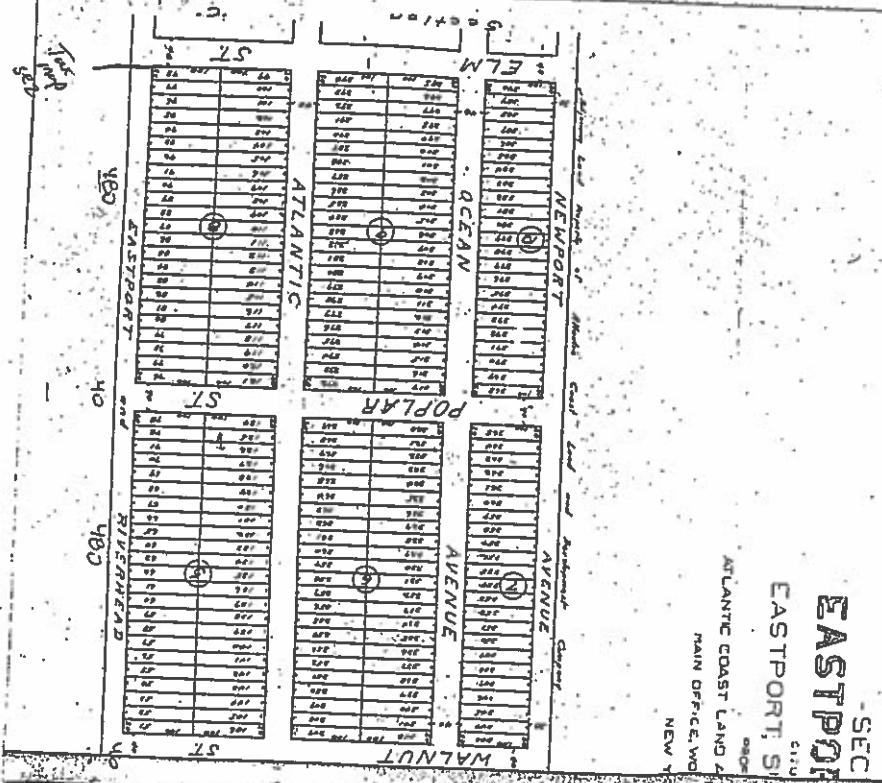
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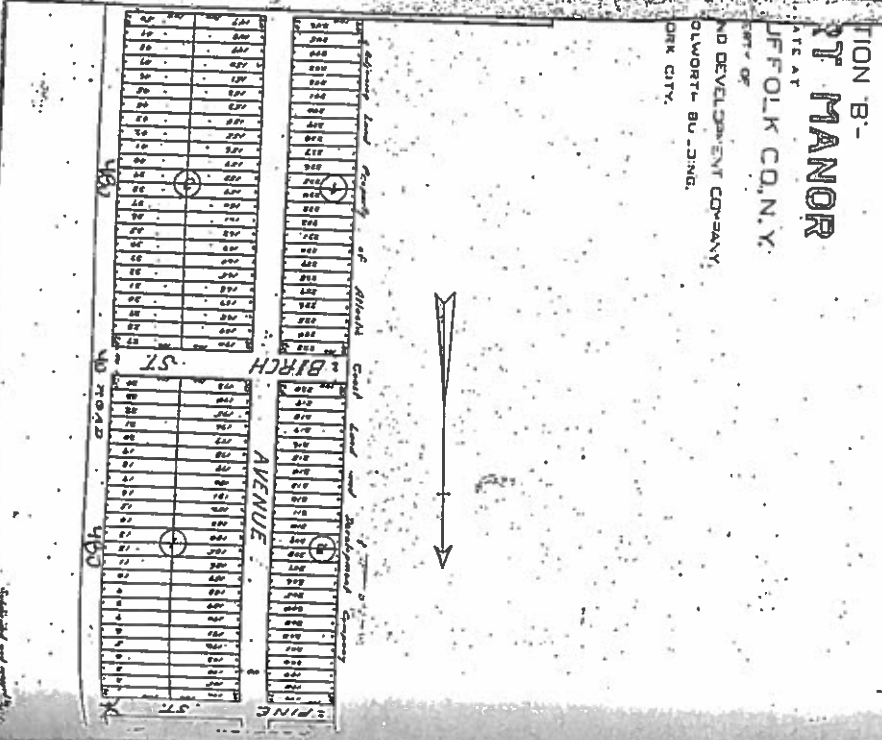
207



Map for Community of Kings



4900' OA N/S



250  
Sept 21 1915



