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In the Matter Of:
CENTRAL PINE BARRENS

JOINT PLANING AND POLICY COMMISSION

September 18, 2013



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CENTRAL PINE BARRENS
JOINT PLANING AND POLICY COMMISSION

One Independence Hill
Farmingville, New York, 11738

September 18, 2013

Public Hearing:

Letter of Interpretation Credit Allocation Appeal

Before: PETER SCULLY, Chair

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

2

JOHN W. PAVACIC, Executive Director
Central Pine Barrens

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JANET LONGO,
Representing Suffolk County Executive
For Supervisor Steven Bellone

5

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SEAN WALTER, Supervisor
Town of Riverhead

7

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ANNE THORNE-HOLST,
Town of South Hampton

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DAN McCORMICK, ESQ.
Attorney, Town of Riverhead

11

JOHN MILAZZO, ESQ.
Attorney, Town of Riverhead

12

KYLE COLLINS,
Town of South Hampton

13

MARTY SHEA,
Town of South Hampton

14

JUDITH E. JAKOBSEN,
Policy and Planning Manager
Central Pine Barrens

15

16

JULIE HARGRAVE,
Senior Environmental Planner
Central Pine Barrens

17

18

BRENDA PRUSINOWSKI,
Representing Brookhaven Town Supervisor Edward
Romaine

19

20

SARAH LANDSDALE, Member

21

ANDREW FRELENG, Chief Planner

22

23

24

25

P R O C E E D I N G S

1
2 MR. SCULLY: I would like to call the
3 public hearing to order. I am sorry about the
4 delay. I will read from the notice that you can
5 just incorporate in the minutes:

6 Central Pine Barrens Joint Planning and
7 Policy Commission will hold a public hearing on
8 September 18, 2013, at 3:00 p.m. at Brookhaven Town
9 Hall, 1 Independence Hill, Farmingville, New York,
10 on the Letter of Interpretation Appeal for Robert
11 Ficken for Suffolk County Tax Map, parcel Number
12 200-327-4-51. Said appeal is made pursuant to
13 Section 6.7.3.3 of the Central Pine Barrens
14 Comprehensive Land Use Plan, dated 1995 (the Plan.)

15 The Central Pine Barrens Joint Planning
16 and Policy Commission will be holding the appeal
17 hearing pursuant to Section 6.7.3.4 of the Plan.

18 The parcel is located in the Town of
19 Brookhaven, south of New York State Route 25 in
20 Ridge and is divided between the Core Preservation
21 Area (CPA) and Compatible Growth Area (CGA). The
22 southern part of the property is within the CPA and
23 the northern portion of the site is in the CGA.

24 The Appellant is appealing the
25 allocation of 0.19 Pine Barrens Credit stated in

1 the letter of Interpretation dated April 25, 2013
2 for the part of the parcel located in the CPA and
3 is seeking instead a full Pine Barrens Credit that
4 should be issued for the entire parcel, which
5 included the GCA portion of the site.

6 Can I ask the Commissioners to identify
7 themselves for the record.

8 MR. WALTER: Sean Walter, member.

9 MS. THRONE-HOLST: Anne Throne-Holst,
10 member.

11 MS. PRUSINOWSKI: Brenda Prusinowski,
12 representing Brookhaven Town Supervisor Edward
13 Romaine.

14 MR. SCULLY: For the County?

15 MR. FRELENG: Andy Freleng, representing
16 the Suffolk County Executive Steven Bellone.

17 MR. SCULLY: Peter Scully, representing
18 the Governor of the State of New York.

19 We will hear first from Mr. Tverdyy.

20 MR. TVERDY: Good morning, Mr.
21 Chairman, board members, I am going to give you a
22 brief overview and introduction of the exhibits.
23 So we submitted the staff Exhibits A through J into
24 the hearing record.

25 As stated in the hearing notice, Ms.

1 Ficken is appealing the Pine Barrens credit
2 allocation for the parcel she owns and identified
3 as tax map number 200327451. The location of the
4 parcel is shown on the 2010 aerial, which is
5 Exhibit E. The parcel is located in the Town of
6 Brookhaven, A-1 zoning district, between Route 25
7 and Brookhaven National Lab, at Ridge, and is split
8 between the core preservation and the compatible
9 growth area.

10 The total parcel size is .57 acre. The
11 southern part of the property is within the core
12 area, which is .23 acre and the northern portion is
13 in the compatible growth area and is .34 acre,
14 which is shown on the yield map, which you can see
15 in Staff Exhibit B.

16 The parcel is adjacent to the east side
17 of the Suffolk County Pine Trail Preserve, which
18 contains the undeveloped portion of Route 111. As
19 provided by the boundary description that is
20 highlighted in Staff Exhibit J, the parcel was
21 undeveloped as of 1993, 100 feet eastward from the
22 Pine Trail Preserves boundary, into this slot
23 considered the core area.

24 Ms. Ficken received the first letter of
25 interpretation on December 6, 2001, and after that,

1 two LI renewals, dated February 23, 2010 and April
2 25, 2013, which are contained in the Staff Exhibit
3 G.

4 The allocation of 0.19 Pine Barrens
5 credits was based on the portions of the parcel
6 located in the core area. Ms. Ficken is looking to
7 increase the location for the entire parcel, which
8 includes the compatible growth area portion of the
9 site, ideally one full entrance there, on the
10 premise that the property could be developed and
11 meets all of the town setback requirements.

12 The Appellant's representative, Mr.
13 Kramer, contends that the parcel is considered a
14 single and separately owned lot under the town code
15 provision 85372D3 and meets the building dimension
16 requirements of section 85372D3A, as indicated in
17 Staff Exhibit C.

18 The field visit was conducted and a
19 further log was obtained by the Commission staff on
20 September 11, 2013, which is Exhibit H. The
21 purpose was to determine whether there is any
22 access to the site.

23 As the report indicates, there are no
24 paved improved roads to access the parcel, and it
25 is about 350 feet away from the nearest paved road,

1 identified as Elizabeth Way.

2 You can see the main staff comments in
3 the Exhibit A, at the bottom of the page, and that
4 concludes my report.

5 Any questions?

6 MR. MILAZZO: I have one question: In
7 Exhibit E in the photographs -- I am sorry, Exhibit
8 H -- Exhibit H, who took the photos?

9 MR. TVERDY: We did.

10 MR. MILAZZO: Who took the photos?

11 MR. TVERDY: I did.

12 MR. SCULLY: Off the record.

13 (Discussion held off the record.)

14 MR. SCULLY: A question for the staff:
15 Does that complete your presentation?

16 MR. TVERDY: Yes.

17 MR. SCULLY: This really boils down to
18 the fact that credits are only allocated the
19 properties in the core and in this instance we have
20 a property that's split between the core and the
21 CGA. The applicant seeks allocation of property,
22 of credits for -- a credit allocation for a
23 property that is not in the core, which would be
24 precedent setting; is that true?

25 MR. TVERDY: Right.

1 MR. SCULLY: Is somebody here for the
2 applicant?

3 Mr. Kramer, introduce yourself, please,
4 and be sworn.

5 MR. KRAMER: Good afternoon. My name is
6 Thomas Kramer, principal firm of Kramer Consulting
7 Group, with offices at 54 North Country Road,
8 Miller place.

9 THE REPORTER: Please raise your right
10 hand.

11 Whereupon,

12 THOMAS KRAMER,
13 after having been first duly sworn, was examined
14 and testified as follows:

15 MR. KRAMER: I represent my client,
16 Mrs. Ficken. This property has been in their
17 ownership since 1973. The deed that is included in
18 your package shows that it fronts on the old
19 roadway that was Port Jefferson West Hampton Road,
20 which is CR111.

21 If you look at it, there was a road
22 frontage that ran and connected Elizabeth Way to
23 Pleasant Drive, which if you look at the tax maps,
24 which is your Exhibit D, that provided frontage for
25 all of those lots along that road. The property

1 was not was not taken without access, so there was
2 access to the road right. Back in the 1980's, the
3 Suffolk County Legislature, Steven Wright, in
4 particular, had the road bed of the undeveloped
5 portions of this road put into their Pine Barrens
6 Preserve, and then, when the Pine Barrens' law came
7 into effect in 1992/1993, this road bed, the
8 preserve lands were all put into the core area. In
9 addition, there was a 100 foot wide strip alongside
10 of the road that was also included in the core
11 area.

12 By doing this, it essentially cut off
13 any access to the property to the rear. As I said,
14 as was presented and I believe it's in your package
15 also, there were four, a total of four properties
16 that the Ficken's owned in the area. One of them
17 we received Pine Barrens' credits for sometime in
18 the past, and this submission included three lots,
19 the northern lot and the middle lot, there was only
20 a small triangle portion left outside of the core
21 area, both of them about 3000 square feet.

22 However, the southern lot represents a
23 parcel almost 15,000 square feet to the rear. This
24 is a single and separate lot, and under the town
25 ordinance I have provided a layout that shows that

1 a house could be constructed in the compatible
2 growth area, and that is included in your handout
3 B. That shows that a substantial size house, 35 by
4 48 feet, could have been located there, meeting the
5 town setbacks within the compatible growth area and
6 totally outside the core; however, there is no
7 ability to access this lot because of the core
8 area.

9 A road could have been cut along the
10 edge of Elizabeth Way and access this property.
11 Paper roads are always developed, are quite often
12 developed and, again, it depends on whether
13 somebody wants to spend the money to access to
14 improve the roads, but it certainly could have been
15 developed if this was not core area.

16 Essentially, what has happened here is
17 that the entire parcel is in the core -- is
18 essentially core area. There is no access to the
19 property in the rear of the compatible growth area.
20 Looking at it, it does not appear that any
21 precedent would be set as a result of this. The
22 two lots to the south of it, the two large lots
23 that have the most significant area to the rear
24 outside the core; you can look at your aerial
25 photo, under Exhibit E, both of those lots are

1 developed.

2 The lot immediately to the north, it's
3 smaller, my gut reaction to it would be, and I
4 didn't do a layout for that, that one may be able
5 to be developed, it's the same situation as this,
6 but it is certainly a smaller area, but that might
7 be the only one.

8 Most cases we have like this or where
9 parcels are split between the core and compatible
10 growth areas, there is access to the property
11 someplace. In this case, there is no access to the
12 property because we have to go through the core in
13 order to go to the property.

14 My client is seeking a full credit for
15 this since it's his opinion that a house could be
16 built on it if it wasn't a core area. Again, I
17 recognize that the calculations are done based on
18 square footage according to the zoning. We did do
19 a land appraisal for it and I have a copy for the
20 records. If this is not considered in the core,
21 there was an appraisal done and estimated to be
22 \$165,000 for the market value.

23 MR. MILAZZO: Mark this as Ficken
24 Number 1, which are letters.

25 (Ficken Exhibit No. 1 was so.

1 marked.)

2 MR. KRAMER: I think all the other
3 information that I had to present is already
4 included in the package. There was a title report
5 done. This parcel is marketable and that's already
6 part of the submission to the Commission, the
7 previous submission.

8 Again, essentially the whole idea behind
9 the Pine Barrens' credit program is to provide
10 value to lands that are within the core. This,
11 because of the situation, because of the
12 configuration of the lot, because of what the
13 county did in dedicating the property to a nature
14 preserve area and then, later, this going into the
15 core, has created a situation where this particular
16 lot is now considered or could be considered
17 entirely within the core and we are looking for
18 credits for the area, for the lot that is
19 essentially considered core area.

20 MR. SCULLY: Okay. Thank you, Mr.
21 Kramer.

22 Questions for Mr. Kramer?

23 MS. PRUSINOWSKI: Mr. Kramer, putting
24 the core aside for just a second, do you actually
25 have legal access over the former CR111 right of

1 way?

2 MR. KRAMER: At this point no, because
3 they put it into the core. Originally, we did.

4 MS. PRUSINOWSKI: Originally you did.

5 So it accessed your parcel and these
6 other -- three others at least, four or five
7 others, potentially.

8 MR. KRAMER: There are four others that
9 he owns.

10 MS. PRUSINOWSKI: Four others that your
11 client owns?

12 MR. KRAMER: Yes.

13 There's four. There are a total of
14 four. There's only three. There's one we did
15 several years ago that's not an issue, that's on
16 the west side of the road. The one to the -- three
17 to the north, the three on the east side, we will
18 accept the partial credits for those because the
19 residual is so minor, we are not going to be
20 concerned with that. The problem is that this
21 larger parcel, because of the core, the residual is
22 large enough where we could theoretically have put
23 a house in there and we are now unable to do that.

24 MR. MILAZZO: So in total, four
25 parcels?

1 MR. KRAMER: Four parcels. Three of
2 them, we will accept the credits that have been
3 assigned to them. It's this one parcel that is
4 large enough to fit a house on, that we are seeking
5 an interpretation on.

6 MR. MILAZZO: That's the parcel that is
7 the subject of this appeal?

8 MR. KRAMER: That's correct.

9 MR. SCULLY: There are two deeds that
10 are included as part of Exhibit I.

11 MR. KRAMER: Okay. I didn't look at
12 those deeds. One deed, this our title company
13 supplied us with.

14 MR. SCULLY: There are deeds for two
15 parcels and why?

16 MR. KRAMER: They may be for the other
17 parcels to the north.

18 MR. TVERDY: It's for the same
19 parcels.

20 MR. SCULLY: Two deeds for two
21 transfers of parcel, one to Robert Ficken and to
22 Jean, which was subsequently --

23 MR. KRAMER: Okay. I just have the one
24 for Jean.

25 MR. WALTER: This makes out a really

1 neat litigation case. Easement by necessity.

2 That's one I've never done.

3 I don't how you resolve this if we don't
4 resolve it for you, because you would have to try
5 to get out over the County's property, that would
6 be the only way that you could do it.

7 MR. KRAMER: Effectively, the whole
8 parcel is in the core right now.

9 MR. COLLINS: There is no provision for
10 circumstances, for split parcels under the
11 legislation?

12 MR. MILAZZO: Well, the parcel is not
13 split.

14 MR. COLLINS: Well, it is. I am talking
15 for the purposes of the Pine Barrens' plan, for a
16 split parcel between core and compatible growth.

17 MR. MILAZZO: There is one provision in
18 the law. The Commission has the discretion to
19 adjust the boundaries on the petition of the core
20 line by up to 300 feet, and that's the only
21 provision.

22 The Commission has never exercised it's
23 power under that provision of the law, but it's
24 there. They have never done it, but that's the
25 only allocation to the core portion of the lot.

1 MR. SCULLY: Other questions for the
2 applicant?

3 MR. WALTER: More for Mr. Milazzo.
4 If we don't move, because I see Mr.
5 Amper shaking his head "no, we shouldn't do that,"
6 and Mr. Amper is going to speak in a moment, I am
7 sure, but if we don't do that, I mean, this is
8 effectively -- I mean, the law actually frowns on
9 us having land-locked parcels that are not
10 utilized, but this property is not use utilized.

11 I think it would an interesting exercise
12 to try to get an easement by necessity and I think
13 this would be the perfect case to make it out, but
14 why would we want to do that? If they are willing
15 to take a credit, how do we work that out so that
16 they take maybe not a full credit but something?
17 Is there a mechanism to do that without moving the
18 line?

19 MR. MILAZZO: You have your discretion
20 resolving a credit appeal; it's only bound by your
21 requirement not to be arbitrary and capricious in
22 granting relief or denying relief. So you would
23 have to develop a record, if you're inclined to
24 give full credit and as long as it is not arbitrary
25 and capricious, it could be sustained.

1 Mr. Kramer, does the parcel have access,
2 which is a different question than does the parcel
3 have access to the core; does it have legal access?

4 MR. KRAMER: It has legal access to
5 CR111.

6 MR. COLLINS: Which doesn't exist.

7 MR. KRAMER: Which doesn't exist because
8 it's in the core.

9 MR. MILAZZO: Really, the question is:
10 Do you have to take this to litigation?

11 MR. KRAMER: We don't have the --

12 MR. MILAZZO: So when a parcel is taken
13 by the County, so the County condemned it?

14 MR. KRAMER: They condemned a portion
15 of it, correct?

16 MR. MILAZZO: Did they condemn it with
17 or without access? Because if it was with access,
18 as was one no longer uses by necessity, then it's
19 no different than another piece of core property
20 that's on a paper street, a hundred feet away from
21 the nearest road, 1,000 feet from the nearest road,
22 which you have done many times on credit appeals;
23 that's one scenario.

24 The other scenario is: They did not
25 give you access, then you have been paid as part of

1 the taking because of the severance damage award
2 that would have been part of your condemnation
3 award. That's a question you need to provide back
4 to us.

5 MR. KRAMER: Okay.

6 MR. MILAZZO: Again, if it's already
7 been paid for, he's got his severance damage, he's
8 been made whole at the time of the taking for a
9 parcel that is now land locked. If it's with
10 access, you need approval or not. I think the
11 Commission is not addressing the issue of creating
12 a street or an access over an essentially paper
13 road. We have many credits appeals by people
14 arguing: I am single and separate but for I am on
15 a paper road 500 feet, 1,000 feet, 1500 feet away
16 from the nearest street.

17 Those are the two flavors of your
18 application.

19 MR. COLLINS: Did the County, to your
20 knowledge -- Mr. Kramer, to your knowledge, did the
21 County condemn this strip that is labeled "Suffolk
22 County Pine Trail Nature Preserve," or was that
23 something purchased?

24 MR. KRAMER: No. That was placed in --
25 it was a County-owned road. They took the road bed

1 and they put it in the parkland.

2 MR. SCULLY: He wants to know, when the
3 application was completed, was it done by eminent
4 domain?

5 MR. KRAMER: The answer is yes. There
6 was a road left in between Pleasant View Drive and
7 Elizabeth Way, which is now -- there was a road
8 that ran in front of all of these lots, that is now
9 not shown on the County tax maps. Originally it
10 was on the County tax maps, back in the early 70's,
11 but I am assuming when it went to the County --

12 MS. PRUSINOWSKI: Do you mean where the
13 two roads meet, is that where you are talking
14 about?

15 MR. KRAMER: If you look at Elizabeth
16 Way, there is a 50', 91 diagonal cut.

17 MS. PRUSINOWSKI: Yes.

18 MR. KRAMER: Running up to Pleasant
19 View, there is another cut. That's a road that ran
20 in there on the old tax maps.

21 MS. PRUSINOWSKI: Okay.

22 MR. SCULLY: That no longer exists.

23 MS. PRUSINOWSKI: What year is the tax
24 map that has been provided here?

25 MR. KRAMER: This is the recent tax

1 map.

2 So it's my understanding that these were
3 taken without -- were taken -- they didn't take
4 access from these lots at the time.

5 MR. MILAZZO: They condemned it and when
6 they took it, they reserved -- when they took it --

7 MR. KRAMER: -- they still provided
8 access to these lots.

9 MR. MILAZZO: So then you will provide
10 the documentation that shows he had access?

11 MR. KRAMER: We will provide the
12 documentation. As I said before, I recognize the
13 Commission's policy on calculations for core area.
14 My client was seeking one acre, one lot,
15 essentially one acre for this zoning. I think I
16 can convince him that we take what the square
17 footage is, based on the computations, so that
18 would be about a half a credit or .45, which I
19 think is reasonable given the parcel and the
20 zoning.

21 MR. SCULLY: Any questions, other
22 questions for Mr. Kramer at this point, because
23 this is a public hearing and sooner or later we
24 will have to ask the public if they want to be
25 heard.

1 MR. MILAZZO: Before you do that, I just
2 want to -- I know Andy Freleng; Andy Freleng is
3 appearing for the County Executive. I suggest that
4 Janet appear for the County Executive because you
5 sit on the clearing house. So we can just mark
6 that Janet Longo is appearing for the town, rather
7 than Andy Freleng, because he is a clearing house
8 board member.

9 MR. SCULLY: Are there any questions
10 before I move to ask the public?

11 (No response.)

12 Does anyone from the public wish to be
13 heard?

14 Mr. Amper?

15 Mr. AMPER: Richard Amper, Executive
16 Director of the Long Island Pine Barrens Society.

17 THE REPORTER: Please raise your right
18 hand.

19 Whereupon,

20 RICHARD AMPER,
21 after having been first duly sworn, was examined
22 and testified as follows:

23 Mr. AMPER: I have a couple of
24 questions, and then I have a suggestion.

25 Have we ever seen anything like this

1 before? Has there been an application of this type
2 in front of the clearing house Pine Barrens before,
3 involving a split CGA core with a buildable lot in
4 the CGA.

5 MR. MILAZZO: We would have to look at
6 the records. I can't think of anything off the top
7 of my head.

8 MR. AMPER: Is there an adverse
9 precedent in granting -- let me rephrase that:

10 Can the clearing house --

11 MR. MILAZZO: The Commission.

12 MR. AMPER: Can the Commission grant the
13 request without creating a precedent that would
14 traumatize anything as you know on the landscape?

15 MR. MILAZZO: The Commission can give --
16 as I noted earlier, the Commission is bound by and
17 can say they do something -- you can't be arbitrary
18 and capricious about the core that is on the
19 record. The Commission cannot issue the Pine
20 Barrens credit to the CGA proper. So those are the
21 two bounds, the upper limits of their discretion.

22 Can they do it without getting in front
23 of it? The Commission is bound by not issuing
24 credits for CGA property and making sure that it's
25 not arbitrary and capricious, but that may be a

1 legal determination. I don't know.

2 MR. AMPER: I would recommend that the
3 Commission not alter the core-area boundary and the
4 resolution of the matter and to make a reasoned
5 determination that this constitutes the purposes of
6 the Act and the responsibilities of the commitment
7 to provide just compensation for the applicant.

8 MR. SCULLY: Thank you, Mr. Amper.
9 Does anybody else wish to be heard?

10 MS. LONGO: May I?

11 MR. SCULLY: Janet?

12 MS. LONGO: Your potential building
13 here, that's the CGA portion, correct?

14 MR. KRAMER: Right.

15 MS. LONGO: Has your client tried to
16 negotiate a 20-foot wide easement to the property
17 behind it? That's 100 feet wide, if you get a 20-
18 foot wide easement, that would get into a road and
19 they could build into the CGA, the core area, which
20 would be the backyard to the home that would be
21 built.

22 MR. KRAMER: No, he has not. I don't
23 think he is required to do that either.

24 MR. SCULLY: Other questions?

25 If there's not further discussion --

1 MR. COLLINS: I have legal questions,
2 but I don't think it's -- how could you do this?
3 How could we provide just compensation? Can you
4 think of a way that narrowly focuses a decision on
5 this lot because of the takings and everything and
6 yet it works with not being able to do the CGA
7 credit if the board Commission so chose to do that.
8 Can you fashion something in your head that works?

9 MR. MILAZZO: We would have to look at
10 it. We would have to look at it. We have to study
11 it. That would be the charge of the Commission's
12 charge to the staff. We will kick it around and
13 see if we have a proposed solution.

14 MR. COLLINS: That's my opinion.

15 MR. MILAZZO: Now, Mr. Kramer has a lot
16 of work to do. He has to provide us the scope of
17 that takings map to see if he has access to it.

18 MR. AMPER: The only other concern I
19 would express is that I would not want to create
20 the precedent of suggesting that the Commission can
21 declare a CGA parcel core in the process.

22 MR. SCULLY: We can't do that.

23 Anything further?

24 (No response.)

25 Is there anything further the staff

1 wants to put on the record?

2 If not, I will suggest that we close the
3 hearing.

4 MR. KRAMER: I think there is still
5 information that is outstanding, as far as the
6 recommendation. I ask that the hearing not be
7 closed so that we can provide that additional
8 information.

9 MR. MILAZZO: What the Commission has
10 done in the past is close the public comment
11 portion of the hearing and allow you to submit two
12 copies of what's requested and it will be marked as
13 part of the record.

14 MR. SCULLY: That's fair. If not, we
15 will close the hearing.

16 Anything further? If not -- is there
17 any further business to come before the Commission?

18 MR. MILAZZO: We have a 30-day time
19 frame to make a decision.

20 Why don't we go off the record.

21 (Discussion held off the record.)

22 MR. SCULLY: Back on the record.

23 Is there anything further to come before
24 the Commission?

25 (No response.)

1 If not, a motion to adjourn the meeting
2 would be in order.

3 MR. COLLINS: Motion.

4 MR. SCULLY: Is there a second?

5 MR. WALTER: Second.

6 MR. SCULLY: All in favor?

7 (Motion carried.)

8 The meeting is adjourned.

9 (Time Noted: 3:35 p.m.)

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

I, MONIQUE CABRERA, a Shorthand Reporter and Notary Public, within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on September 18, 2013, at One Independence Hill, Farmingville, New York, and that this is an accurate transcription of what transpired at that date and time.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of September , 2013.

Monique Cabrera

MONIQUE CABRERA, Reporter



In the Matter Of:
CENTRAL PINE BARRENS

JOINT PLANING AND POLICY COMMISSION

September 18, 2013



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LAND APPRAISAL REPORT

Owner Jean Trudler File Case M.C. 9/18/13
 Property Address County Rd 111 Census Tract 1587.10 Map Ref
 City Ridge County Suffolk State NY Zip Code 11961
 Legal Description Dist: 200 Sec: 327.0 Block 4.00 Lot 51.000
 Sale Price \$ NA Date of Sale _____ Property Rights Appraised Fee Leasehold De Minimis PU
 Actual Real Estate Taxes \$ 245 (yr) Loan Charges to be paid by seller \$ _____ Other Sales Concessions _____
 Client _____ Address _____
 Occupant NA Appraiser Stephen Sikorski Instructions to Appraiser _____
 Intended User _____

IDENTIFICATION
 Location _____ Intended Use _____
 Built Up Urban Suburban Rural
 Growth Rate Fully Dev. Over 75% 25% to 75% Under 25%
 Property Values Rapid Steady Slow
 Demand/Supply Increasing Stable Declining
 Marketing Time Shortage In Balance Oversupply
 Present Land Use 75 % Family 5 % Apts 5 % Condo 10 % Commercial
 Change In Present Land Use Not Likely Likely (*) Taking Place (*)
 Predominate Occupancy Owner Tenant % Vacant _____
 Single Family Price Range \$ 150,000 to \$ 500,000 Predominant Value \$ 250
 Single Family Age 1 yrs to 80 yrs. Predominant Age 40 yrs

NEIGHBORHOOD
 Employment Stability Good Avg. Fair Poor
 Convenience to Employment
 Convenience to Shopping
 Convenience to Schools
 Adequacy of Public Transportation
 Recreational Facilities
 Adequacy of Utilities
 Property of Compatibility
 Protection from Delinquent Conditions
 Police and Fire Protection
 General Appearance of Properties
 Appeal to Market

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): Subject area is predominated by modest sized single family homes varying in size styles and amenities. A moderate drive to major commuter highways end a short distance to support facilities on Route 25. Market appeal for the area is average

SITE
 Dimensions Various (Subject to survey) 24829 SF Corner Lot
 Zoning Classification Residential VACANT LAND Present Improvements do do not conform to zoning regulations
 Highest and best use Present use Other (specify) Building lot
 Etc. Public Private
 Gas _____
 Water _____
 San. Sewer cesspool Storm Sewer Curb/Gutter Street Lights
 Underground Elec. & Tel. Sidewalk Street Lights
 Topo Level
 Size Typical
 Shape Irregular
 View Woods
 Drainage Adequate
 Is the property located in a HUD Identified Special Flood Hazard Area? No Yes
 Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): Subject lot is not cleared

The undersigned has rected three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

For the Market Data Analysis See grid below See narrative attachment

	SUBJECT PROPERTY	COMPARABLE NO.1	COMPARABLE NO.2	COMPARABLE NO.3
Address	County Rd 111 Ridge, NY 11961	D200:Sec353 Bl:1 Lot:19.027 Ridge, NY 11961	Dist:200 S:353 B1 L19.039 Ridge, NY 11961	D:200Sec353Bl1 It:19.049 Ridge, NY 11961
Proximity to Subject				
Sales Price	\$ NA	\$ 160,000	\$ 154,000	\$ 175,000
Price /				
Data Source	Inspected	Public records	Pub. Recs.	Pub. Recs.
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION Adjustment	DESCRIPTION Adjustment	DESCRIPTION Adjustment
Location	Average	Average	Average	Average
Site/View	24829 SF Uncleared	.60 ac Uncleared	.77Acres Uncleared	.61 acres Uncleared
Sales or Financing Concessions				
Net Adj (Total)		<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ 0	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ 0	<input checked="" type="checkbox"/> Plus <input type="checkbox"/> Minus \$ 0
Indicated Value of Subject	Net=0% Gross=0%	\$ 160,000	\$ 154,000	\$ 175,000

Comments on Market Data Comparables utilized are the most recent sales of building sites in Ridge . The sales were purchase by a builder and subsequently developed with homes ranging in sale price from\$ 379000 to \$ 410000

Comments and Conditions of Appraisal: Value estimate is based upon the assumption that the property maintain its residential zoning status

Final Reconciliation: The market approach is the only viable indicator of value for vacant land in this market area. Since land is rarely leased in this area, the income approach is not applicable

I ESTIMATE THE MARKET VALUE AS DEFINED OF SUBJECT PROPERTY AS OF Feb 15, 2013 to be \$ 165,000

This appraisal report is subject to the scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated, (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent deficiencies or adverse conditions of the property (such as, but not limited to, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the subject property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
9. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale of the subject property.
10. I have knowledge and experience in appraising this type of property in this market area.
11. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
12. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
13. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
14. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
15. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
16. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
17. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event.
18. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report, therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
19. I identified the client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
20. I am aware that any disclosure or distribution of this appraisal report by me or the client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

21. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature Stephen Sikorski
 Name Stephen Sikorski
 Company Name Stephen Sikorski
 Company Address 3 Locust Circle
Shoreham, NY 11786
 Telephone Number 631 821 2955
 Email Address qaidqal@aol.com
 Date of Signature and Report Feb 18, 2013
 Effective Date of Appraisal Feb 15, 2013
 State Certification # 45000049713
 or State License # _____
 or Other (describe) _____ State # _____
 State NY
 Expiration Date of Certification or License 09/12/2012

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 Telephone Number _____
 Email Address _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

ADDRESS OF PROPERTY APPRAISED

County Rd 111
Ridge, NY 11961

APPRAISED VALUE OF SUBJECT PROPERTY \$ 165,000

CLIENT
 Name _____
 Company Name _____
 Company Address _____
 Email Address _____

SUBJECT PROPERTY

- Did not inspect subject property
 Did inspect exterior of subject property from street
 Date of Inspection _____
 Did inspect interior and exterior of subject property
 Date of Inspection _____

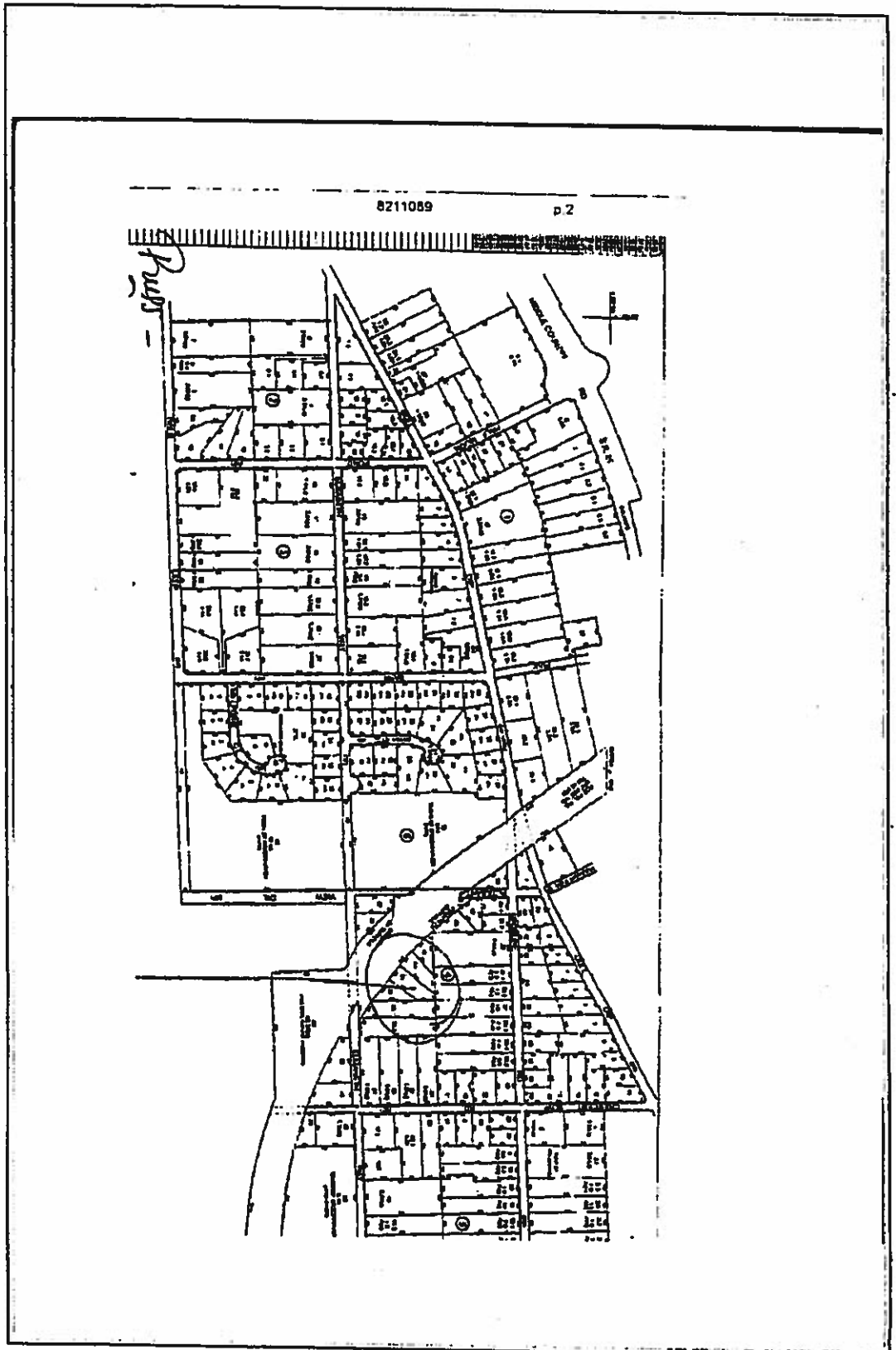
COMPARABLE SALES

- Did not inspect exterior of comparable sales from _____
 Did inspect exterior of comparable sales from _____
 Date of Inspection _____

Stephen Sikorski
PLAT MAP

File No.
Case No.

Borrower	NA						
Property Address	County Rd 111						
City	Ridge	County	Suffolk	State	NY	Zip Code	11961
Lender/Client	Address						



Borrower NA
 Property Address County Rd 111
 City Ridge County Suffolk State NY Zip Code 11961
 Lender/Client Address

GeoData Direct - Property Report

Page 1 of 1

Suffolk Property Report [Back](#) | [Print](#) | [Video](#) | [CMA](#) | [DataMaster](#) | | [Map](#) | [Census](#) | [New Search](#) | [Sign Out](#)

Address

CR 111
RIDGE, NY 11961

Legal ID

District	200
Section	327.00
Block	4.00
Lot	51.000
APN	0200327000400051000

Owner

TREUDLER JEAN
SHOREHAM NY 11786
Owner Name Phone Search

Building Information

Building Class (View List) 311
 (RESIDENTIAL VACANT
 LAND)
 Style
 Year Built
 - Square Footage -
 GLA
 First Floor
 Second Floor
 Height (Stories)
 Units
 Bedrooms/Baths
 Kitchen
 Fireplace
 Basement Type
 Condo Unit
 Condo Section
 Condo Building
 Condo Number

Parcel Information

Township	BROOKHAVEN
- School District -	
472212-LONGWOOD	
Legal Use	
Zoning Code	
Acres	0.57
Lot Size	24829.2
Census Tract	1587.10
Census	36103158710
Carrier Route	R008
Waterfront	NOT AVAILABLE

Assessment Taxes

Tax Code	
2012 Values	
Land Assessment	75
Total Assessment	75
Total Taxes	\$245.95

Flood Information

Zone	X
Panel	0440H
Panel Date	9/25/2009
FIPS	36103
Community	365334

Sales History (Sales highlighted in yellow are potential flips; green are potential foreclosures)

No Recorded Sales



GeoData Plus, LLC
 175 Pinelawn Road, Suite 210
 Meville, NY 11747

Phone: 516-663-0790
 Fax: 516-663-0797
 Email: support@geodataplus.com

Prepared By:
 Stephen Sikorski
 Wednesday, February 27, 2013

(c) 2000-2010 GeoData Plus. GeoData Plus, LLC assumes no liability for the data contained in this report.

<http://www.geodatadirect.com/PropertyReports/Property/SuffolkPropertyReport.aspx?id=...> 2/27/2013

KLopez

 11647 HEARING EXHIBIT A.PDF
 10/02/13 09:22 AM

xerox





Central Pine Barrens Joint Planning and Policy Commission
Public Hearing on Credit Appeal for Jean Ficken
On SCTM No. 200-327-4-51
Town of Brookhaven Town Hall
Farmingville, NY
September 18, 2013

Staff Comments

Brief overview and introduction of exhibits.

Submitting Staff Exhibits A through J into the hearing record.

As stated in the hearing notice, Ms. Ficken is appealing the Pine Barrens Credit allocation she received for the parcel she owns that is identified by SCTM# 200-327-4-51. The location of the parcel is shown on the 2010 aerial, which is Staff Exhibit E. The parcel is located in the Town of Brookhaven, in the A-1 Zoning District, south of NYS Route 25 in Ridge and is divided between the Core Preservation Area (CPA) and Compatible Growth Area (CGA). The southern part of the property is within the CPA (.23 acre) and the northern portion of the site is in the CGA (.34 acre), which is shown on the Yield Map for Jean Ficken, in Staff Exhibit B. The parcel is adjacent to the east side of the Suffolk County Pine Trail Preserve which contains the undeveloped portion of CR 111. The Long Island Pine Barrens Protection Act describes the Core Preservation Area boundary in this area as "... thence southeastward along the easterly side of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet east of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the Long Island Lighting Company high voltage transmission lines; ..." (see Staff Exhibit J). Since this parcel was undeveloped as of 1993 as provided by the aforementioned boundary description, 100 feet eastward from the Suffolk County Pine Trail Preserve boundary into this parcel is considered CPA.

Ms. Ficken received three Letters of Interpretation for 0.19 Pine Barrens Credits for SCTM# 200-327-4-51, based on the portion of the parcel located in the Core Area, that were dated December 6, 2001, February 23, 2010, and April 25, 2013, respectively, which are contained in Staff Exhibit G. Instead Ms. Ficken is seeking an increased allocation of at least 1 full Credit for the entire parcel, which includes the CGA, on the premise that the property could be developed, meeting all the Town setback requirements. The appellant's representative, Mr. Thomas Cramer from Cramer & Associates, Inc. who is representing the appellant in this appeal contends that the parcel is considered a single and separately owned lot under § 85-372D(3) and meets the building dimension requirements of §85-372D(3)(a), as indicated in Staff Exhibit C.

A field visit was conducted and photo log was obtained on September 11, 2013, which is Staff Exhibit H, to determine whether there is any access to the parcel via existing paved, improved roads. The photo log and field visit report indicate there are no paved improved roads to access the parcel. The parcel is about 350 feet away from the paved improved road identified as Elizabeth Way and adjacent to the Suffolk County Pine Trail Nature Preserve, which itself is in the Core Area.

- SCTM# 200-327-4-51, A-1 District, 0.57 acre (0.23 CPA/ 0.34 CGA)
- LOI allocation = 0.19 PB Credits
- Single and separately owned lot, assumed to meet the building dimension requirements.
- No paved improved roads provide access to the parcel, and the parcel is located 350 feet away from the nearest improved road.
- Utilities and improved road access through the Suffolk County Pine Trail Preserve to the parcel would need to be provided for the portion of the site located in the CGA to be developed. They would need a CPA hardship to provide access to the CGA portion of the parcel in order to build a house. The subject parcel has legal access from the Suffolk County Pine Trail Preserve that is located in the CPA.
- Potentially precedent setting for other parcels located along the Suffolk County Pine Trail Preserve and in other areas in the Core Preservation Area which may claim a similar circumstance.



Central Pine Barrens Joint Planning and Policy Commission
Public Hearing on Credit Appeal for Jean Ficken
On SCTM No. 200-327-4-51
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Staff Comments

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Ms. Ficken received three Letters of Interpretation for 0.19 Pine Barrens Credits for SCTM# 200-327-4-51, based on the portion of the parcel located in the Core Area, that were dated December 6, 2001, February 23, 2010, and April 25, 2013, respectively, which are contained in Staff Exhibit G. Instead Ms. Ficken is seeking an increased allocation of at least 1 full Credit for the entire parcel, which includes the CGA, on the premise that the property could be developed, meeting all the Town setback requirements. The appellant's representative, Mr. Thomas Cramer from Cramer & Associates, Inc. who is representing the appellant in this appeal contends that the parcel is considered a single and separately owned lot under § 85-372D(3) and meets the building dimension requirements of §85-372D(3)(a), as indicated in Staff Exhibit C.

A field visit was conducted and photo log was obtained on September 11, 2013, which is Staff Exhibit H, to determine whether there is any access to the parcel via existing paved, improved roads. The photo log and field visit report indicate there are no paved improved roads to access the parcel. The parcel is about 350 feet away from the paved improved road identified as Elizabeth Way and adjacent to the Suffolk County Pine Trail Nature Preserve, which itself is in the Core Area.

- SCTM# 200-327-4-51, A-1 District, 0.57 acre (0.23 CPA/ 0.34 CGA)
- LOI allocation = 0.19 PB Credits
- Single and separately owned lot, assumed to meet the building dimension requirements.
- No paved improved roads provide access to the parcel, and the parcel is located 350 feet away from the nearest improved road.
- Utilities and improved road access through the Suffolk County Pine Trail Preserve to the parcel would need to be provided for the portion of the site located in the CGA to be developed. They would need a CPA hardship to provide access to the CGA portion of the parcel in order to build a house. The subject parcel has legal access from the Suffolk County Pine Trail Preserve that is located in the CPA.
- Potentially precedent setting for other parcels located along the Suffolk County Pine Trail Preserve and in other areas in the Core Preservation Area which may claim a similar circumstance.



**Notice of Public Hearing
Letter of Interpretation Credit Allocation Appeal
Robert Ficken
SCTM No. 200-327-4-51**

The Central Pine Barrens Joint Planning and Policy Commission will hold a public hearing on September 18, 2013 at 3:00 pm at Brookhaven Town Hall, 1 Independence Hill, Farmingville, NY., on the Letter of Interpretation Appeal for Robert Ficken for Suffolk County Tax Map parcel Number 200-327-4-51. Said appeal is made pursuant to Section 6.7.3.3 of the Central Pine Barrens Comprehensive Land Use Plan, dated 1995 (the Plan). The Central Pine Barrens Joint Planning and Policy Commission will be holding the appeal hearing pursuant to Section 6.7.3.4 of the Plan. The parcel is located in the Town of Brookhaven, south of NYS Route 25 in Ridge and is divided between the Core Preservation Area (CPA) and Compatible Growth Area (CGA). The southern part of the property is within the CPA and the northern portion of the site is in the CGA. The appellant is appealing the allocation of 0.19 Pine Barrens Credits stated in the Letter of Interpretation dated April 25, 2013 for the part of the parcel located in the CPA and is seeking instead a full Pine Barrens Credit that should be issued for the entire parcel, which includes the CGA portion of the site.

Any persons who wish to comment on the appeal are invited to attend the hearing. The file for this matter is available for review by appointment at the Commission's Office located at 624 Old Riverhead Rd., Westhampton Beach, NY 11978. If you should have any questions, please contact the Commission's office at 631-288-1079.

Exhibit A-I
M.C. 9/18/13

Central Pine Barrens Joint Planning and Policy Commission

**Public Hearing on
Credit Appeal for Jean Ficken
On SCTM No. 200-327-4-51
Brookhaven Town Hall
Farmingville, NY
September 18, 2013**

Staff Exhibits

A. Staff Comments, brief overview and introduction of exhibits, dated September 16, 2013. (1 page)

B. Letter to Mr. Pavacic from Thomas Cramer, Cramer Consulting Group, regarding the appeal of the Letter of Interpretation allocation, dated April 25, 2013, with yield map for Jean Ficken, dated December 17, 2009. (3 pages)

C. Town of Brookhaven Zoning Code §85-372 D(3)(a), Dimensional Requirements for singly and separately owned lots, obtained from ecode360.com (4 pages)

D. Town of Brookhaven 0200, Subscriber Map Album, Suffolk County, New York, Steven Bellone, County Executive, Copyright 2012, Section No. 327 Property Map showing parcel owned by Jean Ficken. (1 page)

E. 2010 Aerial map depicting general area in proximity to parcel. Subject parcel is outlined in blue. (1 page)

F. Chronology of Letters of Interpretation applications made by Jeant Ficken for SCTM No. 200-327-4-51 parcel. (1 page)

G. Letter of Interpretation issued on December 6, 2001, Letter of Interpretation Renewal dated February 23, 2010, and April 25, 2013. (3 pages)

H. Field Visit and Photo Log for Jean Ficken Credit Appeal Parcel. Date of Field Visit: 9/11/2013. (31 pages)

I. Bargain Sale and Deeds with Schedule A, for subject parcel, Liber 7355, Page 477 (From Evelyn Frey, formerly Evelyn Luster to Robert Ficken), Liber 7420, Page 477 (From Robert Ficken to Jean Treudler, currently Jean Ficken). (4 pages)

J. Ficken and Treudler Letter of Interpretation Credit Allocation dated 11/13/01 and figure that shows other parcels in the area owned by the applicant, and includes citations to sections of the Long Island Pine Barrens Protection Act that describes the Core Preservation Area boundary in this area of the Pine Barrens, obtained from Core Area Boundary Clarifications through 8/18/04 (2 Pages)

CRAMER CONSULTING GROUP

Complete Land Use Services – Including Planning, Design and Environmental

Thomas W. Cramer, Principal

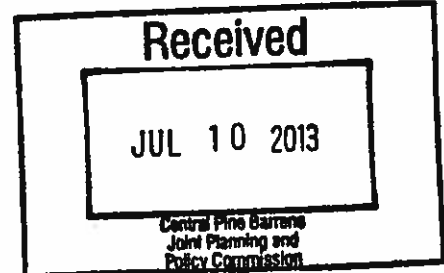
P.O. Box 5535

Miller Place, New York 11764

Telephone (631)476-0984 – Fax (631) 476-6933

July 8, 2013

Mr. John Pavacic
Central Pine Barrens Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978



RE: Letters of Interpretation for Pine Barrens Credits
SCTM #200-327-4-51

Dear John:

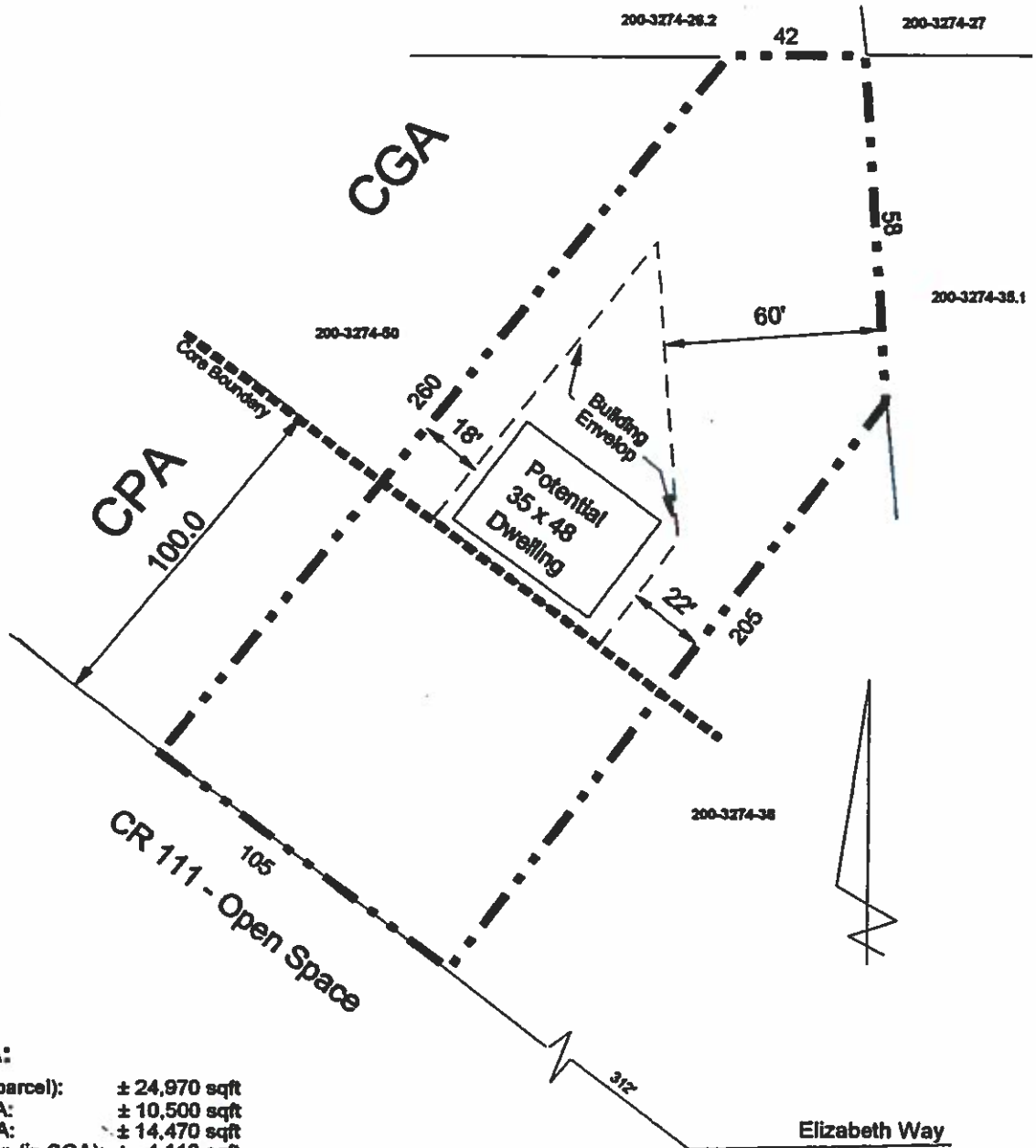
As per our previous conversations, our client wishes to appeal the allocation in the Letter of Interpretation dated April 25, 2013, copy enclosed. While the Letter of Interpretation states we only had 30 days in which to give notice of our appeal, you stated that this time frame could be waived.

The subject site is a parcel of approximately 25,000 square feet in size. The southern 100 feet of the property is within the Core Preservation Area (CPA). The northern portion of the site is in the Compatible Growth Area (CGA). The entire parcel is zoned A Residence 1 (40,000 square foot lots) by the Town of Brookhaven. In accordance with the formula for allocating Pine Barrens Credits, the Letter of Interpretation allocated 0.19 Pine Barrens Credits for the portion of this parcel within the CPA.

However, the parcel is considered a single and separately owned lot under 85-372C(3) of the Town Code. The accompanying yield map prepared by this office shows the potential of a dwelling being able to be constructed on the CGA portion of the site, meeting all the requirements of 85-372C(3)(a). However, access to the lot is through the CPA. Therefore, because of the CPA's location which precludes access to the rear of the property, it has rendered the entire parcel useless even though a house could still be built on the property meeting all the Town setback requirements.

It is our position that this can be considered a confiscation of property without just compensation. At the very least, Pine Barrens Credits should be allocated for the entire parcel. Ideally, a full Pine Barrens Credit should be issued. My client would be willing to place whatever covenants would be appropriate on the entire parcel if the commission sees fit to allocate the additional Pine Barrens Credit.

It should be noted that the other parcels on which my client also received Letters of Interpretation (SCTM #200-327-4-48 & 49) also include portions that are within the CGA. However, the portions remaining cannot accommodate a structure under 85-372C(3). Therefore, my client is not seeking any additional Pine Barrens Credits for those lots and will accept the allocation.



SITE DATA:

Lot Area (total parcel): ± 24,970 sqft
 Lot Area in CPA: ± 10,500 sqft
 Lot Area in CGA: ± 14,470 sqft
 Building Envelop (in CGA): ± 4,110 sqft
 Min. Side Yard Setback*: 18'
 Total Side Yard Setback*: 30'
 Rear Yard: 60'

* - Per 85-372C(3)(e) Singly and separately lots.



Complete Land Use Services - Including Planning, Design and Construction
 P.O. Box 8888, Miller Place, New York 11764
 Telephone (631) 476-0984 -- Fax (631) 476-6388

Project:		Yield Map for Jean Ficken							
Location: n/s CR 111, 312' n/o Elizabeth Way, Ridge, NY									
Project #:	Tax Lot #:	200-327-4-51							
Date:	Dec. 17, 2009	Scale:	1" = 50' - 0"						
Designed By:	TWC	Drawn By:	TWC						
Checked By:	TWC								
Revisions:	<table border="1"> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>								
		Sheet 1 of 1							

Note:
 Lot information from SC tax
 map, district 200, section 329,
 block 4, lot 51.

D. Nonconforming singly and separately owned lots.

(1) Proof of single and separate ownership shall be submitted in the form of:

(a) A title search prepared by a title company licensed to do business in the State of New York covering the subject premises and all contiguous property.

(b) A survey prepared by a licensed surveyor describing the subject premises.

(2) Separate ownership. A single-family dwelling may be erected on any lot 60 feet or more in width, within a zoning district where otherwise permitted, which was separately owned at the time of the passage of the ordinance or on any such lot separately owned at the time of any amendment thereto heretofore adopted, and which has not come into common ownership with adjoining property, and which conforms to the minimum dimensional requirements set forth hereinbelow at Subsection **D(3)(a)** and the area density requirements.

(3) Bulk requirements.

(a) Notwithstanding the foregoing, structures or additions thereto may be erected on single and separate parcels, provided that the following dimensional and setback requirements are met:

Lot Width (feet)	Maximum House Size (square feet)	Total Side Yards (feet)	Minimum Side Yards (feet)	Maximum Building Height (feet)	Maximum Attached Garage Area (square feet)
60 but less than 70	First floor: 1,000 Second floor: 600	25	12	26	240
70 but less than 80	First floor: 1,200 Second floor: 800	30	14	28	
80 but less than 90	First floor: 1,500	35	16	28	

Lot Width (feet)	Maximum House Size (square feet)	Total Side Yards (feet)	Minimum Side Yards (feet)	Maximum Building Height (feet)	Maximum Attached Garage Area (square feet)
	Second floor: 850				
90 but less than 100	First floor: 1,600 Second floor: 850	40	18	28	
100 but less than 150	Side yard, lot coverages and building height of the B Residence District				
150 but less than 200	Side yard, lot coverage and building height of the A Residence District				
200 or greater	Side yard, lot coverage and building height of the A Residence District				

NOTE: If lot depth is greater than or equal to 120 feet, the maximum first-floor area may be increased by 100 square feet for each additional 10 feet of lot depth.

(b) A single-family dwelling may be erected on lots at least 60 feet in width, but less than 70 feet in width, subject to the following requirements:

[1] A minimum lot size of 6,000 square feet.

[2] COMPLIANCE WITH THE DIMENSIONAL REQUIREMENTS SET FORTH HEREINABOVE AT SUBSECTION D(3)(A), EXCEPT THAT RELIEF MAY BE GRANTED BY THE ZONING BOARD OF APPEALS AT THE BOARD'S SOLE DISCRETION FROM NO MORE THAN ONE OF SAID REQUIREMENTS WHERE TO DO SO WOULD BE CONSISTENT WITH THE REQUIREMENTS SET FORTH IN THIS CHAPTER AND TOWN LAW ARTICLE 16. *EDITOR'S NOTE: SEE § 85-29C.*

NOTE: IF LOT DEPTH IS GREATER THAN OR EQUAL TO 120 FEET, THE MAXIMUM FIRST-FLOOR AREA MAY BE INCREASED BY 100 SQUARE FEET FOR EACH ADDITIONAL 10 FEET OF LOT DEPTH.

(c) The calculation of area for interior lots known as "flag lots" (lots with road frontage of 20 feet or less) shall exclude the area encompassed by or attributable to the portion of said lot which is 20 feet or less in width.

- (d) On corner lots, for purposes of calculation of all other dimensional requirements, the shorter(est) road frontage shall be the designated lot frontage.
- (4) Single and separately owned parcels may be merged with adjacent single and separate parcels to create larger parcels which more closely conform to the zoning requirements. In accordance with this policy, single and separate parcels located between adjacent single and separate parcels may be split and merged with the adjacent single and separate parcels. Also in order to encourage the merger of adjacent parcels to create larger parcels, the owner of a parcel of land which is in single and separate ownership may merge an adjacent parcel that is not in single and separate ownership with the subject parcel, provided the parcel not in single and separate ownership was a separate tax parcel on the June 1, 1978 Suffolk County Tax Map.
- (5) The Chief Building Inspector shall forward applications for building permits to the Division of Environmental Protection in order to review the potential environmental impacts of site development on the water supply and sanitary disposal aspects of a project with regard to groundwater contamination.
- (6) Minimum front yard/rear yard setbacks shall be as follows:
- (a) Lots less than or equal to 125 feet in depth shall have a minimum front yard setback of 30 feet. The rear yard setback shall not be less than 35 feet. The Chief Building Inspector may permit front yard setbacks in conformity with the average setbacks in the immediate locale. In no event may the front setback be less than 25 feet.
- (b) On lots greater than 125 feet in depth but less than 150 feet, the front yard and rear yard shall not be less than 40 feet in depth.
- (c) On lots equal to or greater than 150 feet in depth but less than 175 feet, the front yard shall not be less than 50 feet in depth and rear yard not less than 60 feet in depth.
- (d) On lots equal to or greater than 175 feet in depth, the minimum front yard and rear yard setbacks shall conform to the zoning district in which the lot is located.
- (7) The Zoning Board of Appeals, when reviewing applications for variances on lots that are not in single and separate ownership, may restrict development to the standards contained herein. *Editor's Note: Former Subsections D, Adult entertainment establishments, and E, Adult uses, as amended, which immediately followed this subsection, were repealed 2-10-2004, effective 3-1-2004.*

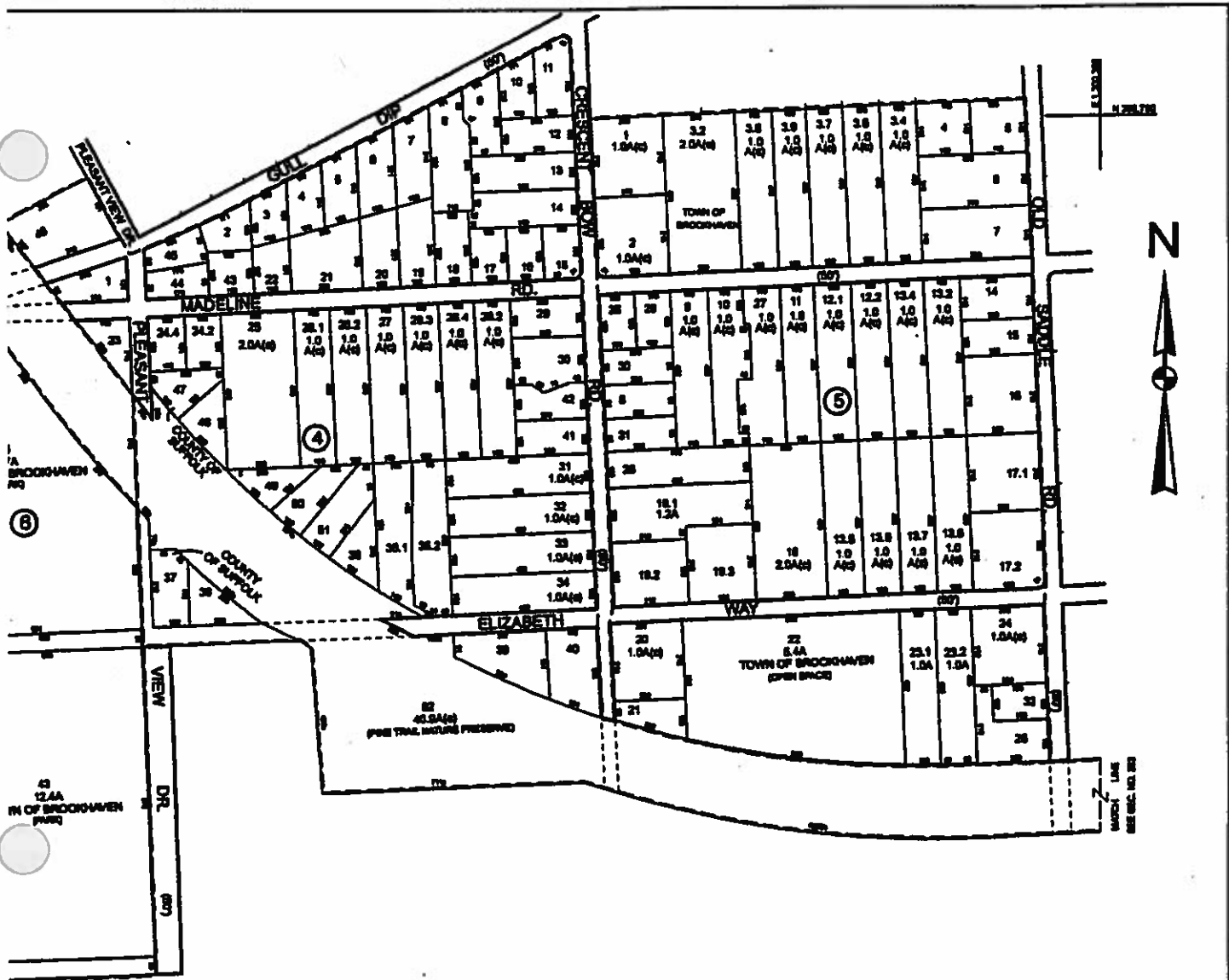
ZONING

85 Attachment 2

Town of Brookhaven
Residential Districts: Table of Dimensional Regulations
§ 85-56

Use	A Residence One-Family 35/2 1/2	A Residence 1 One-Family 35/2 1/2	A Residence 2 One-Family 35/2 1/2	B Residence One-Family 35/2 1/2	B Residence 1 One-Family 35/2 1/2	C Residence One-Family 35/2 1/2	D Residence One- and Two-Family 35/2 1/2	D-1 Residence 35/2 1/2	A Residence 5 One-Family 35/2 1/2	A Residence 10 One-Family 35/2 1/2
Maximum height (feet/stories)	30,000	40,000	80,000	15,000	22,500	9,000	15,000	15,000	200,000	400,000
Minimum area (square feet)	15%	15%	15%	20%	20%	35%	30%	30%	6%	3%
Maximum total building area (percentage of lot area)	150/40	175/50	200/60	100/40	125/40	75/30	150/40	150/40	300/70	400/80
Minimum road frontage (feet/at a point in feet back from street line)	40	50	60	40	40	30	40	40'	70	80
Minimum front yard (depth in feet)	20	25	30	18	20	12	12	12	35	40
Minimum side yard (width in feet)	60	75	80	40	45	30	30	30	85	90
Minimum rear yard (feet)	60	60	75	50	60	30	30	30	80	85
Accessory Structures										
Maximum height (feet)	18	18	18	18	18	18	18	18	18	18
Minimum setback from any lot line (feet)	10	10	20	7 1/2	7 1/2	5	10	10	20	20
Minimum setback from street (feet)	60	70	80	60	60	50	50	50	90	95
Maximum lot coverage (percentage of required rear yard area)	25	25	25	25	25	25	25	25	12 1/2	10

NOTES:
1. See § 85-63E.



N 20.17E
E 1.100.38

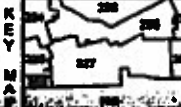
TOWN OF BROOKHAVEN
SECTION NO
327

NOTICE

NOTWITHSTANDING, ALTERNATE SALE OR
EXTENSION OF ANY PORTION OF THE
SUFFOLK COUNTY TAX MAP IS PROHIBITED
UNLESS AUTHORIZED BY THE BOARD OF
SUPERVISORS.



COUNTY OF SUFFOLK ©
Real Property Tax Service Agency
County Center Brookhaven, N.Y. 11701
609-631-1000



TOWN OF BROOKHAVEN
VILLAGE OF
SUFFOLK COUNTY

PROPERTY MAP



2010

Miles

Elizabeth Way

200-327-4-51

Suffolk County Pine Trail Nature Preserve

0.025 0.05

Note: This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries, or other precise purposes. Information shown on this map may contain defects, errors, and/or omissions. Suffolk County Real Property Tax Service, New York State GIS Bureau. Copyright Suffolk County of Suffolk, NY. Prepared by County Staff (07 September 2010).



Chronology

200-327-4-51

A-1 District

Date	Event
8/29/2001	LOI Application - Jean Treudler and Robert J. Ficken
12/6/2001	LOI Issued, .19 Credits allocated
8/29/2009	LOI Application renewal, Jean Ficken
1/19/2010	Letter from Thomas W. Cramer, Jean Ficken's representative, requesting that the PB Credit allocation could be based on the entire parcel
2/23/2010	LOI renewal issued, .19 Credits allocated
4/22/2013	LOI Application renewal, Jean Ficken
4/25/2013	LOI renewal issued, .19 Credits allocated
7/10/2013	Letter from Thomas W. Cramer, requesting the appeal for the parcel's Credit allocation, as per LOI renewal issued on 4/25/2013



PINE BARRENS CREDIT CLEARINGHOUSE

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

LETTER OF INTERPRETATION

Re: Suffolk County Tax Map Number: 200-327-4-51

Applicant: Robert Ficken

Date: December 6, 2001

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced parcel containing 0.23 acre in the Core Preservation Area, which is a sending area. The parcel is in the Town of Brookhaven. It was in the A Residence 1 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. The above referenced parcel is split between the Core Preservation Area, which is a sending area, and the Compatible Growth Area, which is not a sending area. In sending areas within the A Residence 1 District of the Town of Brookhaven, the number of Pine Barrens Credits allocated is equal to the acreage of the parcel in the sending area multiplied by 0.80. Based upon this allocation formula, 0.184 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 total number of Pine Barrens Credits allocated for this parcel is 0.19.

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>

Letter of Interpretation for SCTM # 200-327-4-51
December 6, 2001
Page Two

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.

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

 **FILE COPY**

LETTER OF INTERPRETATION (RENEWAL)

Re: Suffolk County Tax Map Number: 200-327-4-51

Applicant: Jean Ficken (aka Jean Truedler)

Date: February 23, 2010

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced .23 acre parcel. The parcel is in the Town of Brookhaven. It was in the A-1 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 A-1 District of the Town of Brookhaven, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .80. Based upon this allocation formula, .184 Pine Barrens Credits may be allocated to this parcel. Allocations are increased to the hundredth of a credit, therefore this parcel would receive .19. 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 .19

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.

PINE BARRENS CREDIT CLEARINGHOUSE

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

LETTER OF INTERPRETATION(RENEWAL)

Re: Suffolk County Tax Map Number: 200-327-4-51
Applicant: Robert Ficken
Date: April 25, 2013

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced .23 acre parcel. The parcel is in the Town of Brookhaven. It was in the A-1 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 A-1 District of the Town of Brookhaven, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by .80. Based upon this allocation formula, .184 Pine Barrens Credits may be allocated to this parcel. Allocations are increased to the hundredth of a credit, therefore this parcel would receive .19. 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 .19

This Letter of Interpretation expires in three years 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 624 Old Riverhead Rd, Westhampton Beach, NY 11978. 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.

624 Old Riverhead Rd, Westhampton Beach, NY 11978
631-288-1079 / FAX 631-288-1367
<http://pb.state.ny.us>

Ficken Credit Appeal
September 18, 2013

Staff Exhibit H

Field visit on 9/11/2013 to examine site access and field conditions of SCTM# 200-327-4-51

At approximately 10:30 am, staff travelled by vehicle from SR. 25, Middle Country Road in Ridge southward along Crescent Bow to Elizabeth Way, then west on Elizabeth Way to where it terminated into a dirt road blocked by a large dirt pile. There were single family residences with driveways located along the north side of this section of Elizabeth Way with no improved roads along this section of Elizabeth Way that would lead north into the subject parcel.

Staff then exited the vehicle and travelled on foot westward from the paved portion of Elizabeth Way to where it becomes a dirt road until staff reached the Suffolk County Pine Preserve trail marked with white trail blazes. Staff then walked northward along the Suffolk County Pine Trail while using a measuring wheel to measure the distance to the subject parcel. The area was entirely wooded along a narrow dirt trail. There were no improved roads noted along this section of the trail. Once staff reached the parcel's location it was observed as being surrounded by woods on all sides. Staff then returned back to their vehicle and travelled east along Elizabeth Way and then northbound along Crescent Bow to Madeline Road. It was observed by staff that there were single family residences along the western side of Crescent Bow and that there appeared to be no improved roads that would lead into the interior woodlands where the subject parcel is located. Staff continued west along Madeline Road and turned south on Pleasant View Road to where it came to a dead end. It was observed by staff that there were single family residences on the south side of Madeline Road and along both sides of the segment travelled on Pleasant View Road. No improved roads were observed on either Madeline Road or at the end of Pleasant View Road that would lead into the subject parcel's location. Staff then concluded the field visit at approximately 11:40 am.

The attached photo report contains photos taken by a Coolpix Camera AW110 that has GPS capability to geotag the location of the photos. The photos were downloaded and GPS-Photo Link+ software was used to produce the attached photo report that displays the location of the photos taken during the field visit on a 2013 Google Earth aerial of the subject area.

Ficken Credit Appeal Hearing
September 18, 2013

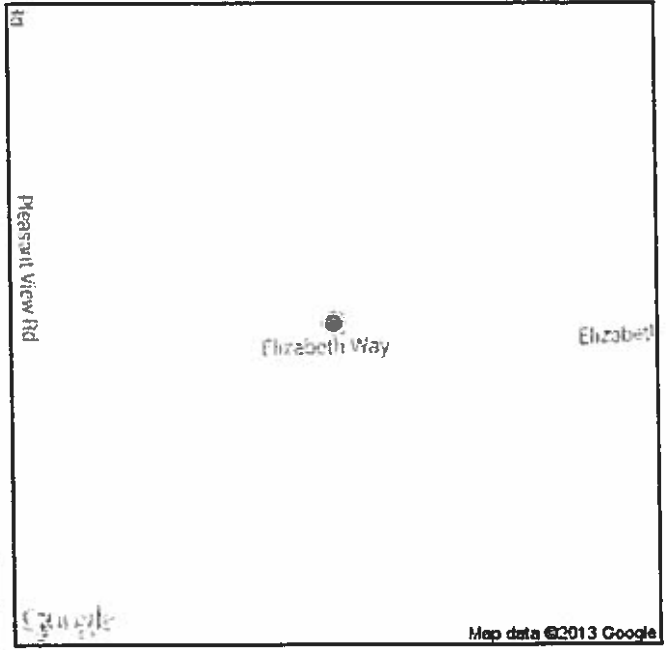
Overview Map

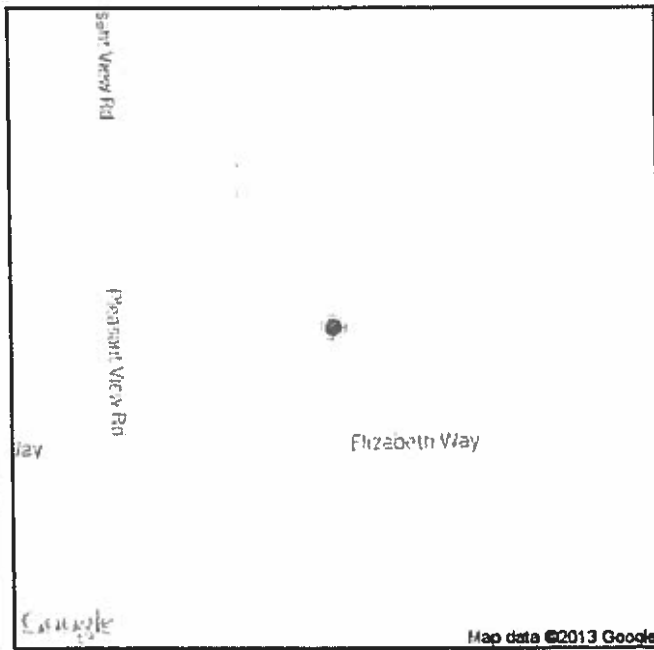


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Title: Elizabeth Way (dirt road)

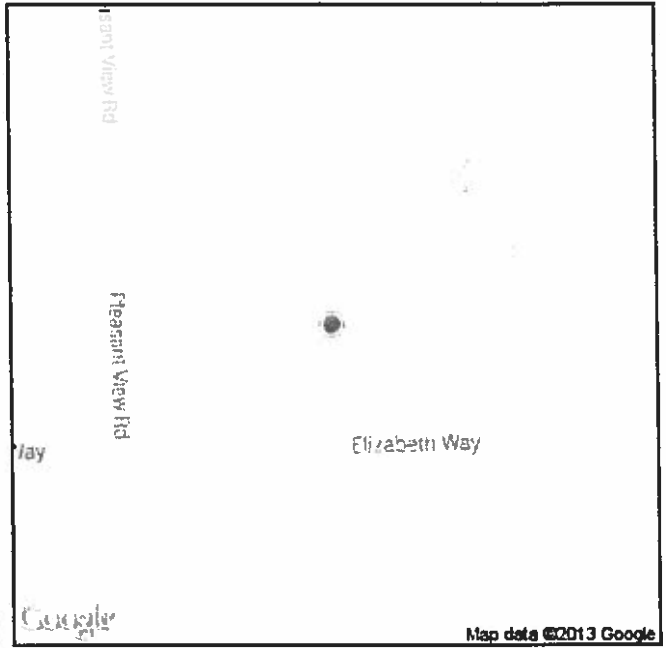
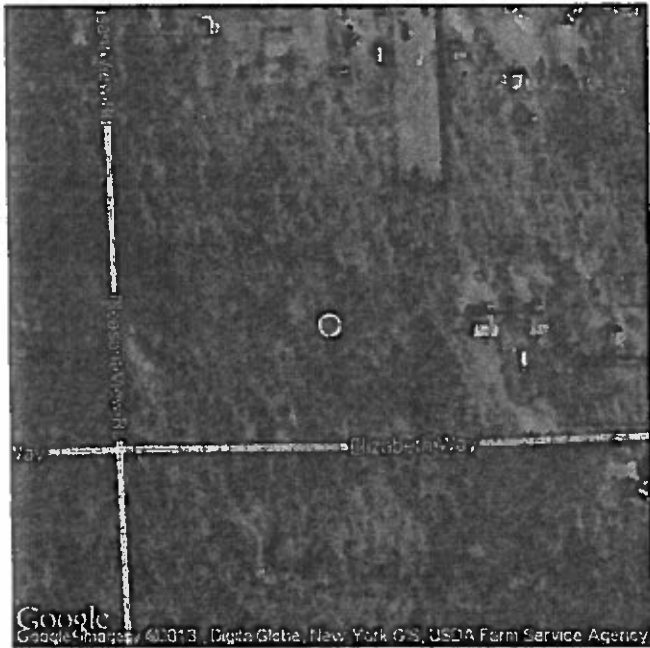


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Title: Suffolk County Pine Preserve Trail (white blaze trail)

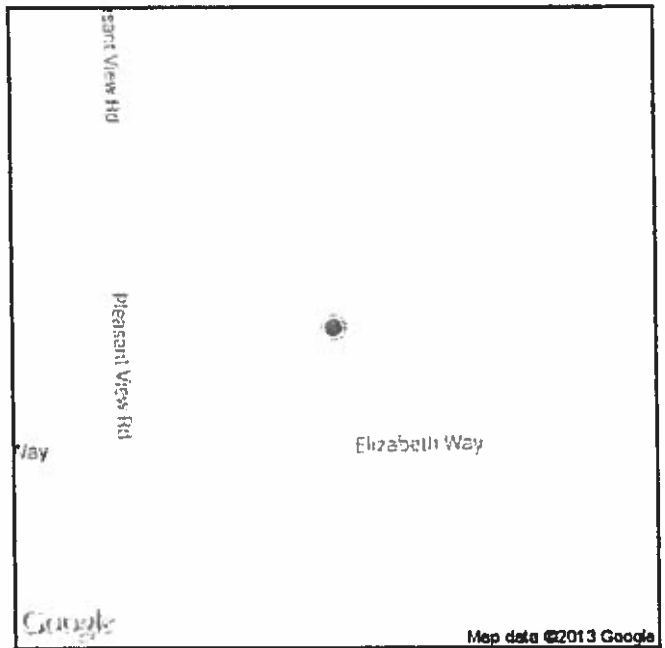
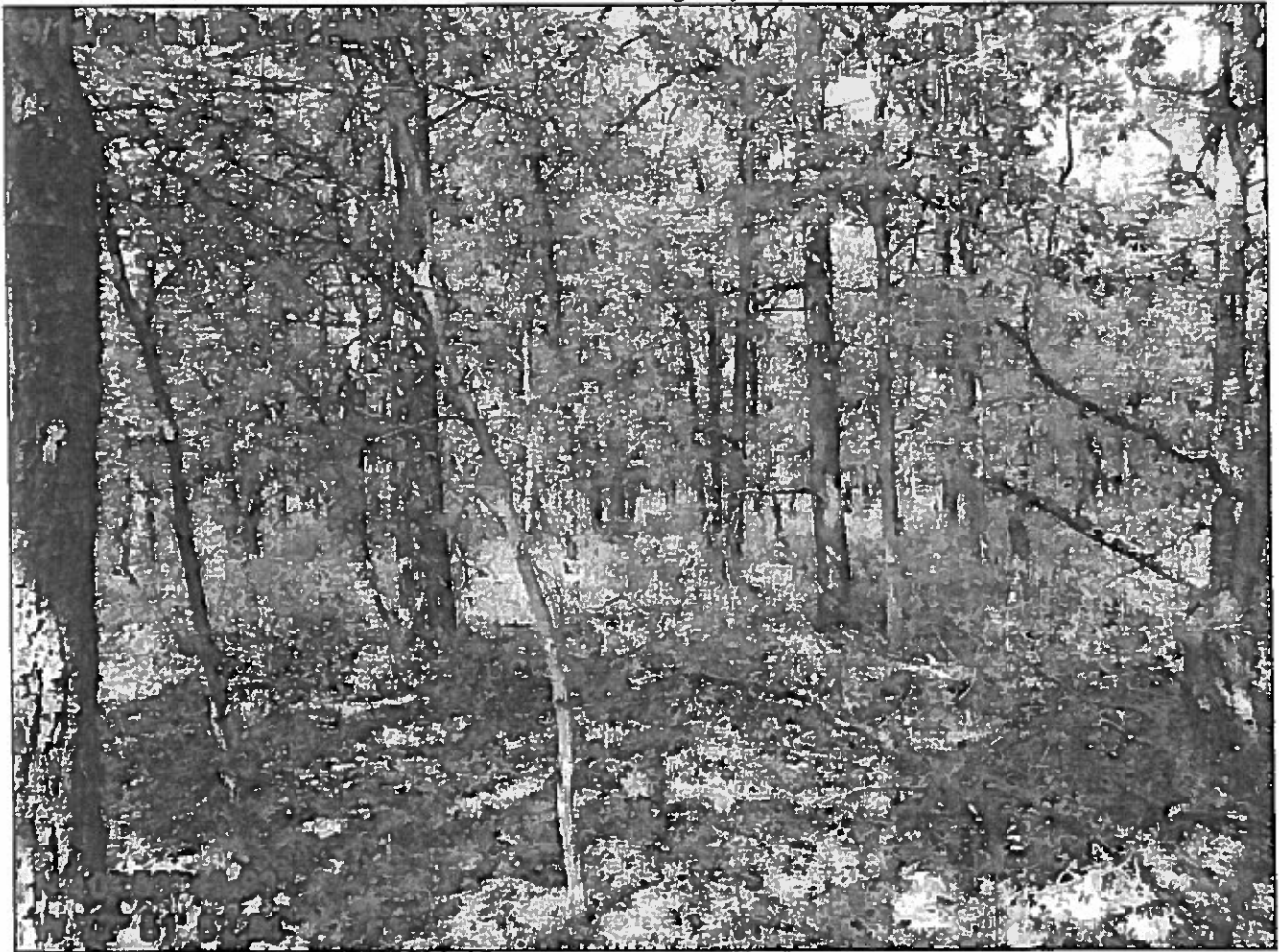




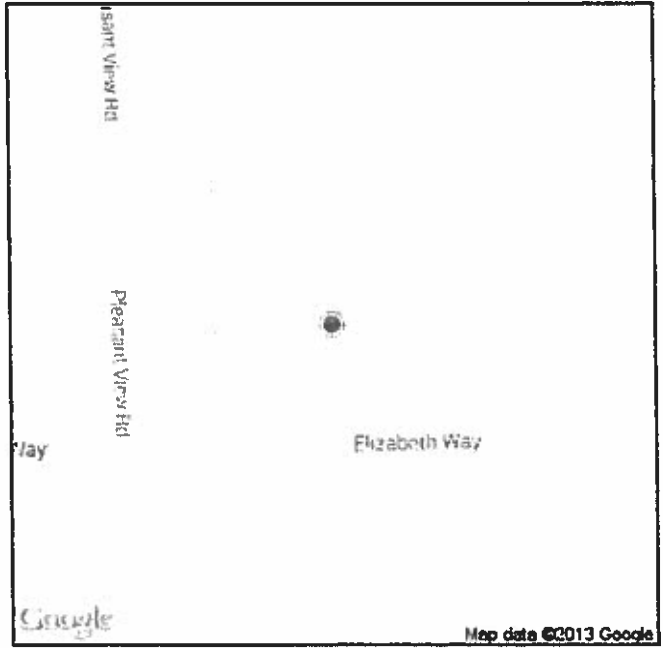
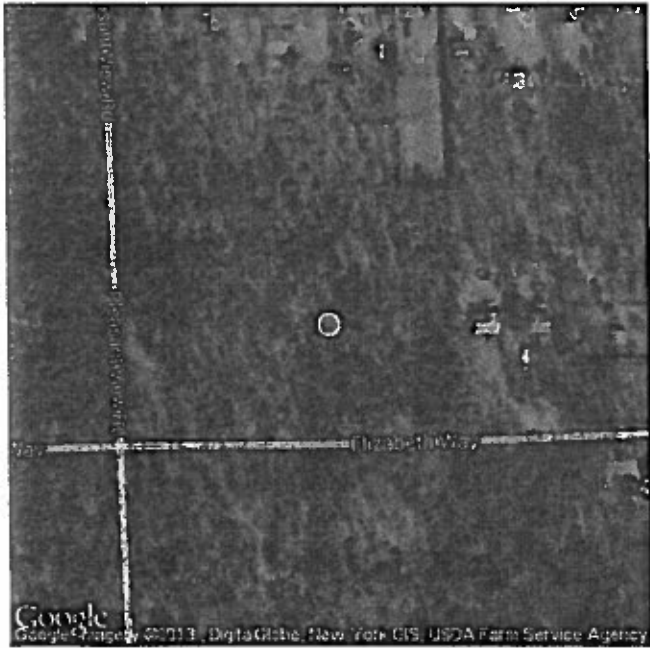
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Title: Woods surrounding subject parcel.



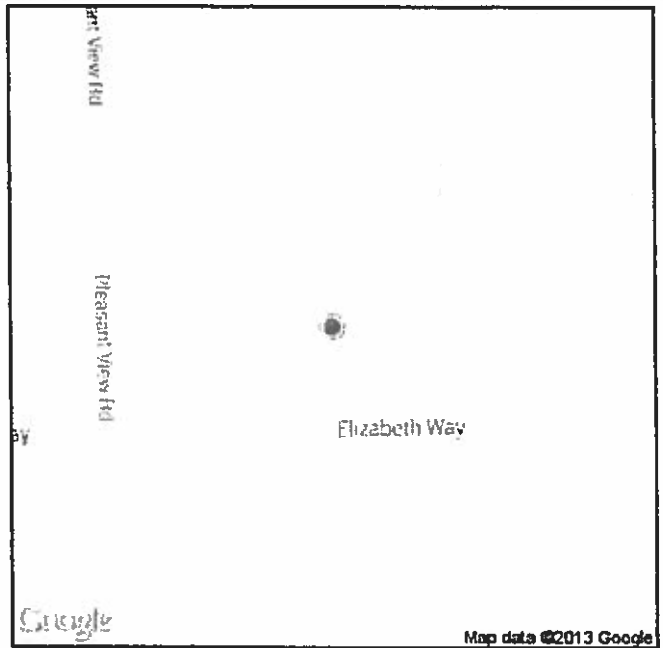
Ficken_appeal (8).JPG
Title: Woods surrounding subject parcel.



Ficken_appeal (9).JPG
Title: Woods surrounding subject parcel.



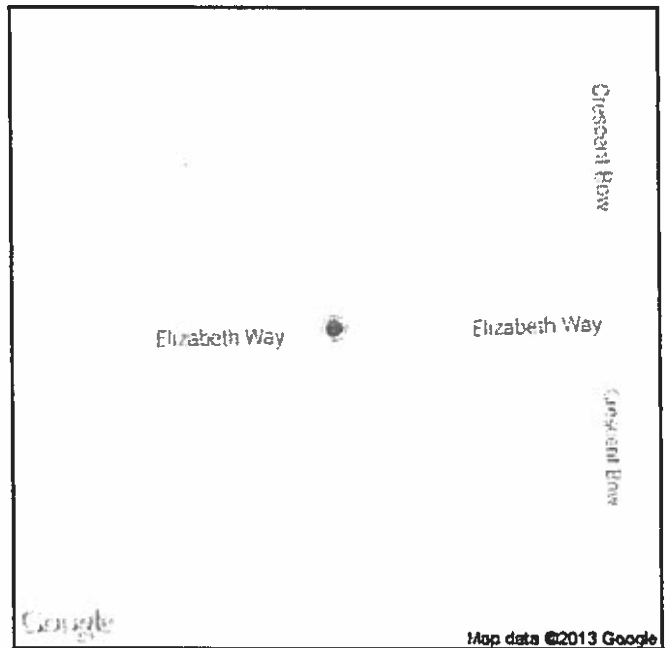
Ficken_appeal (10).JPG
Title: Woods surrounding subject parcel.



Ficken_appeal (11).JPG
Title: Elizabeth Way (eastward view)

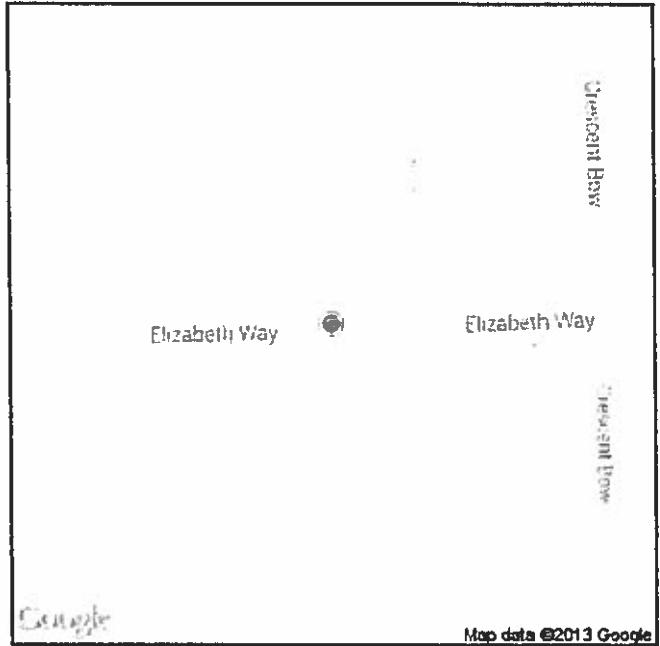


Ficken_appeal (12).JPG
Title: Western end of Elizabeth Way

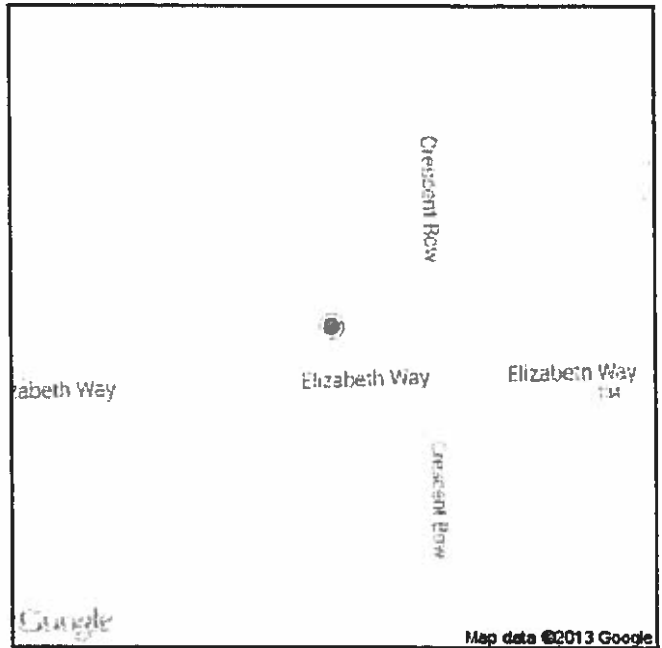




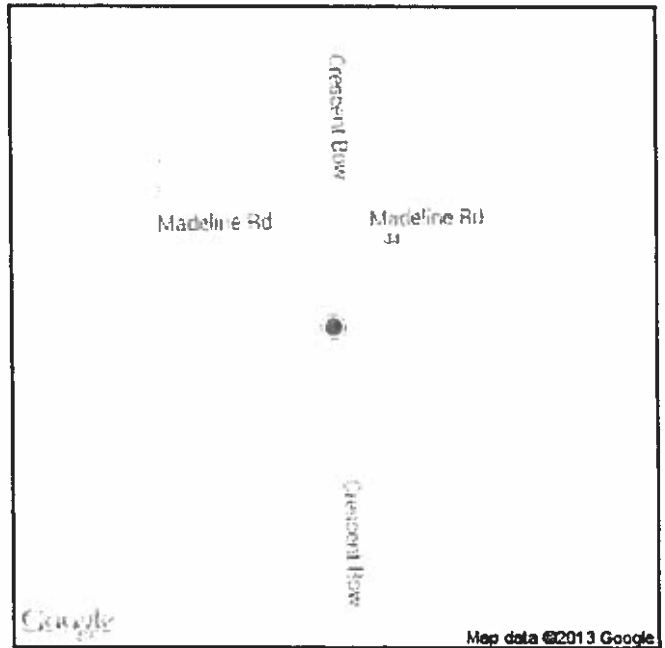
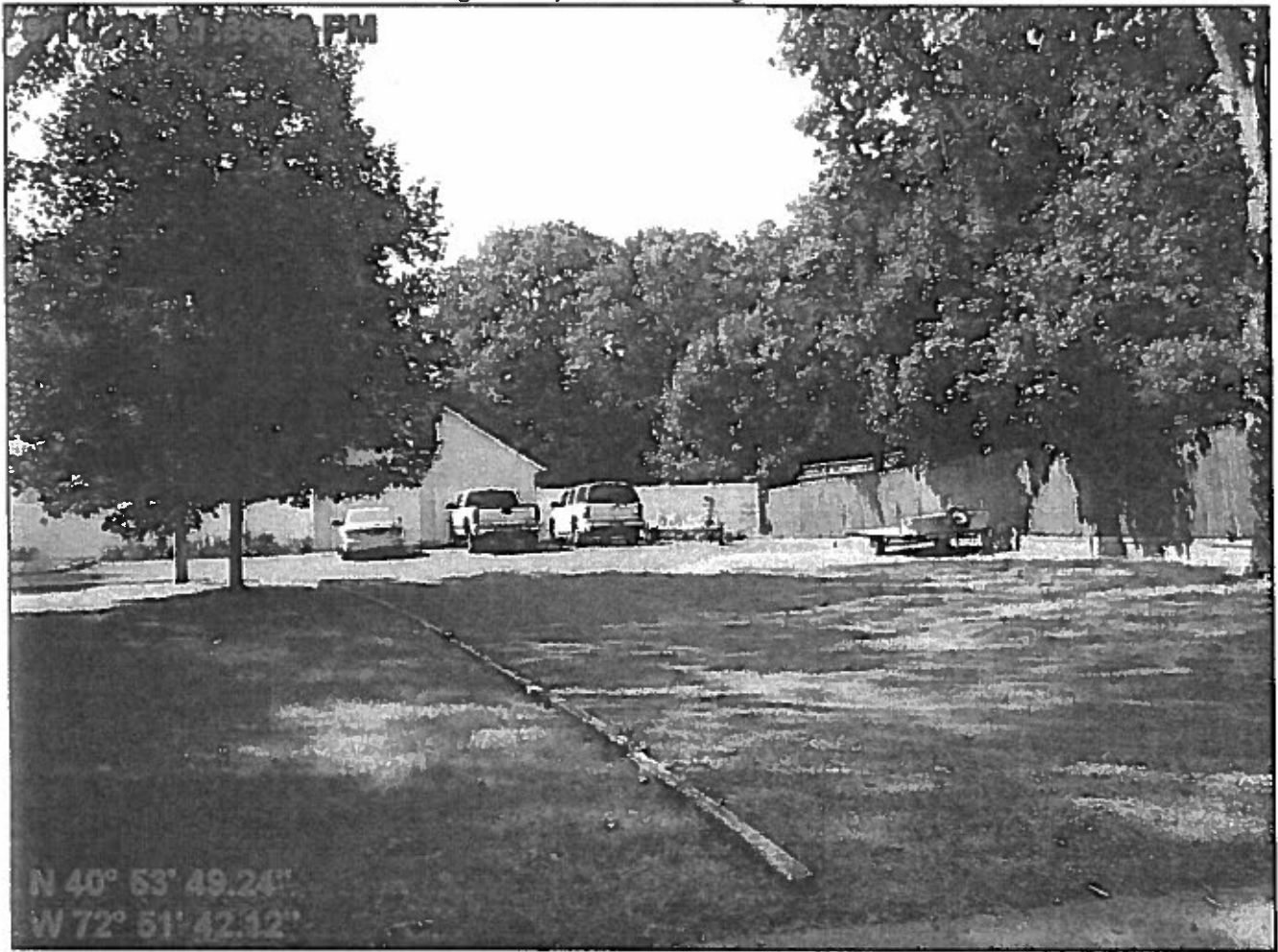
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W 72° 51' 48.05"

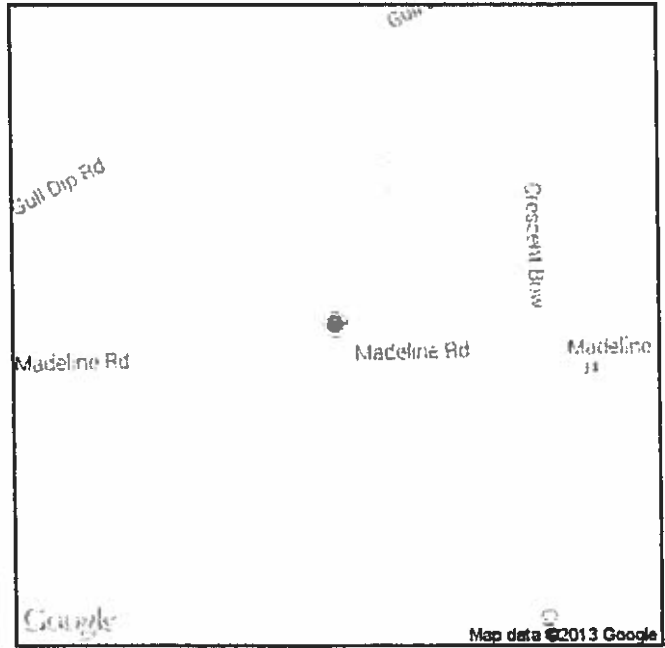


Ficken_appeal (15).JPG
Title: Single family residence along Crescent Bow

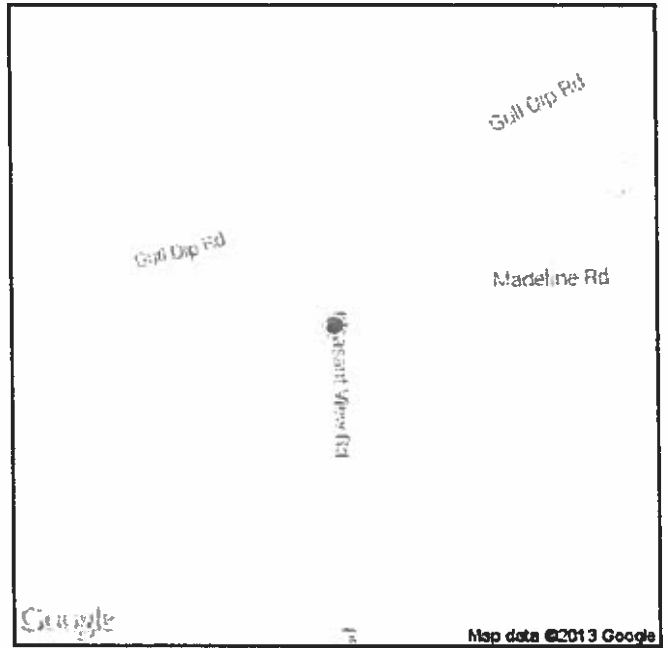


Ficken_appeal (17).JPG
Title: Single family residence along Crescent Bow





Ficken_appeal (1).JPG
Title: End of Pleasant View Road





C. the 22nd day of January 19 73, before me personally came

On the day of 19 , before me personally came

EVELYN FREY

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

Henry J. Stuenkel
Notary Public
NOTARY PUBLIC State of New York
No. 513082 - Qual. in Nassau Co.
Commission Expires March 31, 1974

STATE OF NEW YORK, COUNTY OF

§§:

STATE OF NEW YORK, COUNTY OF

§§:

On the day of 19 , before me personally came to my known, who, being by me duly sworn, did depose and say that he resides at No.

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose as y that he resides at No.

that he is the of

that he knows

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 725-4807 48

EVELYN FREY

TO

ROBERT FICKEN

SECTION

BLOCK

LOT

COUNTY OR TOWN

Home Title Division
Chicago Title Insurance Company

39

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

Wilfrid A. Setzer
Attorney at Law
P. O. Box 1224
East Port, N. Y. 11778
Zip No.

RECORDS DEPT. OF THE STATE OF NEW YORK
Distributed by
CHICAGO TITLE
INSURANCE COMPANY

RECEIVED

JAN 7 11 50 AM '73
LESTER V. ALBERTSON
CLERK OF
SUFFOLK COUNTY

MAILED 11-11 1973

CHOOSE YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE FILED BY LASTING PARTY

\$1.10

THIS INSTRUMENT, made the 13th day of June, nineteen hundred and seventy-three

BETWEEN ROBERT FICKEN, doing business as RUSSELL PROPERTIES at 92 Mahogany Road, Rocky Point, County of Suffolk and State of New York.

party of the first part, and JEAN TREUDLER, residing at 29 Soundway Drive, Rocky Point, New York 11778

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 title or successors and assigns of the party of the first part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Brookhaven, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point on the northeasterly side of Port JEFFERSON Westhampton Road 180.96 feet easterly from the intersection of the northeasterly side of Port JEFFERSON Westhampton Road and the westerly side of Pleasant View; thence North 39 degrees 14 minutes East a distance of 252.13 feet to a point; thence along land of Urbnowitz North 37 degrees 40 minutes 48 seconds East a distance of 42.43 feet to a point; thence along land of Foreste South 18 minutes 35 seconds East a distance of 98.46 feet to a point; thence South 37 degrees 01 minutes 31 seconds West a distance of 204.72 feet to a point on the northeasterly side of Port JEFFERSON Westhampton Road; thence along Port JEFFERSON Westhampton Road a curve to the right having a radius of 2714.79 feet an arc distance of 105.00 feet to the point of BEGINNING.

Containing an area of 13,103 square feet.

BEING AND INTENDED TO BE a portion of the premises conveyed to the party of the first part by deed dated January 22, 1973 and recorded March 7, 1973 in Liber 7355 page 477.

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, 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 same for any other purpose.

AND the party of the first part covenants as follows: that said party of the first part is seized of the premises in fee simple, and has good right to convey the same; that the party of the second part shall lawfully enjoy the said premises; that the said premises are free from incumbrances, except as otherwise stated; and the party of the first part will execute or procure any further necessary assurance of the title to said premises; and that said party of the first part will forever warrant the title to said premises.

The word "party" shall be construed as if it read "parties" whenever the sense of this instrument 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:

RUSSELL PROPERTIES By: Robert Ficken ROBERT FICKEN

Fee 4- Tax 1/10 Receipt # 61431

REAL ESTATE TRANSFER TAX STATE OF NEW YORK DEPT. OF REVENUE

2003

1973 7420 No. 478
STATE OF NEW YORK, COUNTY OF Suffolk

On the 13th day of June 1973, before me personally came
Robert Ficken

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Stephen G. Remick

STEPHEN G. REMICK JR.
NOTARY PUBLIC, State of New York
No. 36-375,385
Qualified in Suffolk County
Term Expires March 31, 1978

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed it as such there by the order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 before me personally came

the subscribing witness to the foregoing instrument, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and executed the same; and that he, said subscribing witness, at the same time subscribed to the same as witness.

Security Title
WITH FULL COVENANTS
TITLE NO.

SECTION
BLOCK
LOT
COUNTY OR TOWN

RETURN BY MAIL TO:

STANDARD TITLE AND GUARANTEE COMPANY OF NEW YORK
Distributed by
SECURITY TITLE AND GUARANTEE COMPANY

STEPHEN G. REMICK
BOX 46
ROCKY POINT, N. Y. 11778

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

22-26020
JUN 18 10 32 AM '73
LESTER H. ALBERTSON
CLERK OF
SUFFOLK COUNTY

11/13/01: Ficken and Treudler Letter of Interpretation Credit Allocation

Overview:

The owners of parcels 200-327-4-38, 48, 49, and 51 applied to the Pine Barrens Credit program for Letters of Interpretation. These parcels are all adjacent to the Suffolk County Pine Trail Nature Preserve (SC PTNP), which is itself in the Core area, and are south of NYS Route 25 in Ridge. This segment of the SC PTNP runs in a curvilinear direction southeast from NYS Route 25, and there is a 100 foot Core buffer adjacent to it which encompasses parts of all adjacent parcels which were undeveloped as of 6/1/93 (which includes these). Thus, these parcels are all split by a curvilinear line that is 100 feet parallel to the SC PTNP boundary. Commission staff used the ArcView software to compute the line and the Core area of these parcels, Commission counsel's decision was to accept the ArcView plot of the boundary for the purpose of determining area and allocating credits.

Portions of Core boundary definition involved:

There are two Core boundary segments involved. The first applies to parcel 38, which is on the southwest side of the SC Pine Trail Nature Preserve:

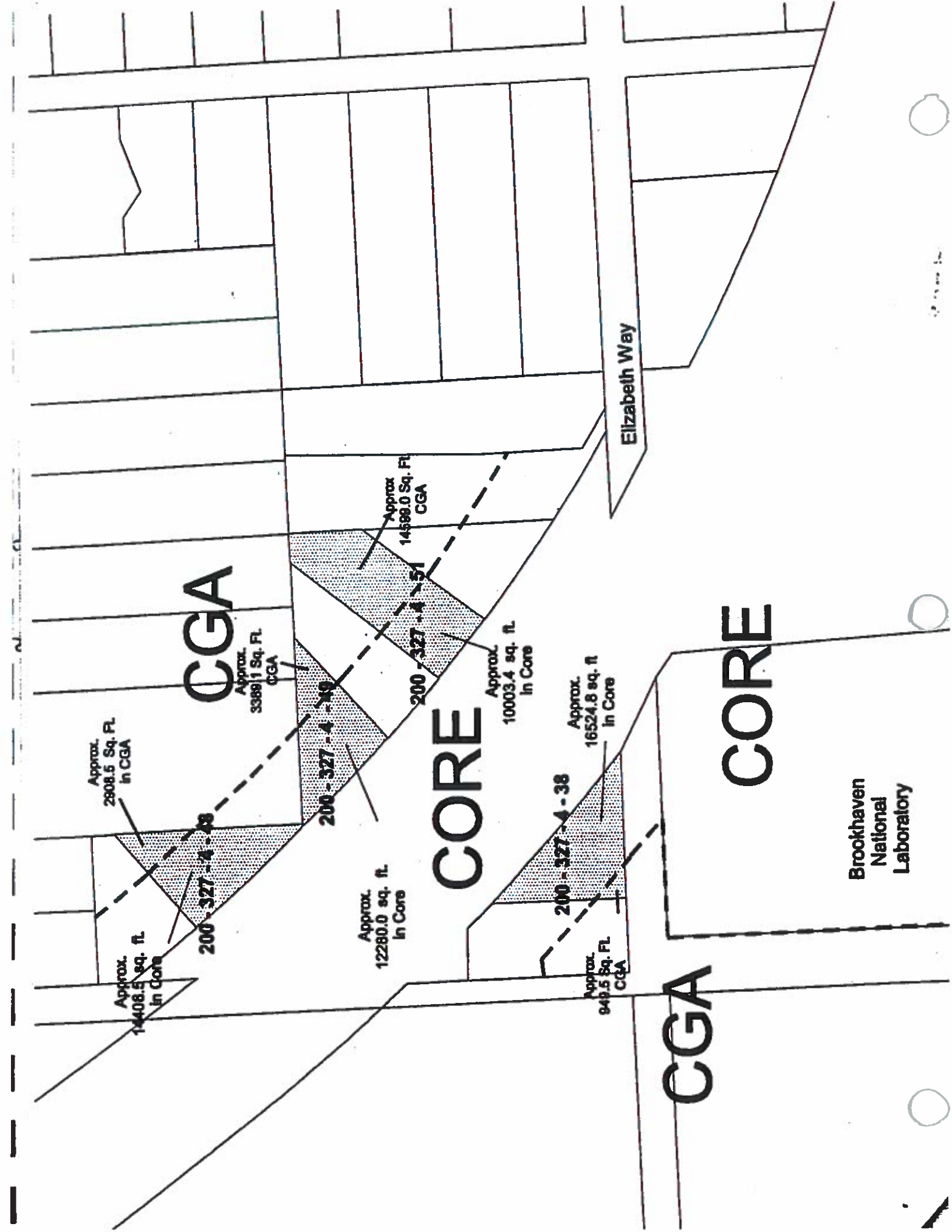
"... thence eastward along the southerly boundary of NYS Route 25 to the Suffolk County Pine Trail Nature Preserve; thence southward along the westerly boundary of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet west of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the northern boundary of the United States land known as Brookhaven National Laboratory; ..."

The second applies to the other three parcels, which are on the northeast side of the SC Pine Trail Nature Preserve:

"... thence southeastward along the easterly side of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet east of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the Long Island Lighting Company high voltage transmission lines; ..."

Commission meeting minutes excerpt:

None.



Approx.
2808.5 Sq. Ft.
in CGA

Approx.
14408.5 sq. ft.
in Core

CGA

200-327-4-28

Approx.
3389.1 Sq. Ft.
CGA

200-327-4-19

Approx.
12280.0 sq. ft.
in Core

CORE

Approx.
14598.0 Sq. Ft.
CGA

200-327-4-51

Approx.
10003.4 sq. ft.
in Core

200-327-4-38

Approx.
16524.8 sq. ft.
in Core

Approx.
949.5 Sq. Ft.
CGA

Elizabeth Way

CGA

CORE

Brookhaven
National
Laboratory