

# PINE BARRENS CREDIT CLEARINGHOUSE

James T.B. Tripp, Esq., Chairman  
Andrew P. Freleng, Vice Chairman  
Daniel P. McCormick, Member  
Mitchell H. Pally, Esq., Member  
Robert Anrig, Member

November 13, 2020

Harriet Murphy  
43 Green Place  
North Caldwell, NJ 07006

Re: Letter of Interpretation for SCTM #s 900-215.3-1-1.1 & 900-215.3-1-1.2

Dear Ms. Murphy:

Please be advised that according to the Section 6.3 of the *Central Pine Barrens Comprehensive Land Use Plan* "for the purpose of computing the allocation of Pine Barrens Credits, a parcel of land is defined as a separately assessed Suffolk County Real Property Tax Parcel which is within the Core Preservation Area and existed on the Central Pine Barrens Comprehensive Land Use Plan initial adoption date of June 28, 1995."

According to the county records the parcel SCTM# 900-215.3-1-1 was subdivided into SCTM# 900-215.3-1-1.1, 1.2 & 1.3 in August 1999. Therefore, the above-referenced parcels did not exist as of June 28, 1995 and **are not eligible for the Pine Barrens Credits 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 Road, 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 its receipt.

Sincerely,



Jerry Tverdyy  
Clearinghouse Staff

Enclosures

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

**John F. McHugh**  
Attorney at Law  
233 Broadway, Suite 2320  
New York, NY 10279  
**jfmchughpc@aol.com**

Office: 212-483-0875

**RECEIVED**  
**DEC 14 2020**  
Central Pine Barrens Joint  
Planning & Policy Commission  
Fax: 212-483-0876

December 9, 2020

Central Pine Barrens Joint Planning and Policy Commission  
624 Old Riverhead Road  
Westhampton. NY. 11978

Re: Letter of Interpretation for SCTM #s900-215.3-1-1.1&900-215.3-1-1.2

Dear Members of the Commission,

This office represents Harriet Murphy, the owner of a subdivided portion of SCTM# 900-215.3-1-1 now 1-2 and 1-3.

A letter of interpretation by Jerry Tverdyy of your clearing house staff takes the position that, by subdividing a parcel of land which was clearly within the Pine Barrens core preservation area, that land vanishes. My client's land is a part of SCTM#s 900-215.3-1-1 which existed on the relevant tax maps on June 28, 1995 and the land in issue still exists, despite subdivision. It is still within the core area and the interpretation in the November 13, 2020 letter is simply incredible. Credits are allocated by acre depending on what district they are in. The acres still exist and they still sit within the district in issue. The land identified by lot, subdivided or not, still exists and the issue is acreage as per the applicable scale and only acreage.

The plan makes that clear.

The development yield factors for the various residential zoning categories are enumerated in Section 6.3.1.1 below, in which one acre equals 43,560 square feet. 6.3.1.1 Development yield factors and computation for single family residentially zoned property 6.3.1.1.1 If zoning allows one (1)

dwelling unit per ten thousand (10,000) square feet, the development yield factor is 2.70 Pine Barrens Credits per acre. 6.3.1.1.2 If zoning allows one (1) dwelling unit per fifteen thousand (15,000) square feet, the development yield factor is 2.00 Pine Barrens Credits per acre. 6.3.1.1.3 If zoning allows one (1) dwelling unit per twenty thousand (20,000) square feet, the development yield factor is 1.60 Pine Barrens Credits per acre. 6.3.1.1.4 If zoning allows one (1) dwelling unit per forty thousand (40,000) square feet, the development yield factor is 0.80 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 1.00 PBC per acre. 6.3.1.1.5 If zoning allows one (1) dwelling unit per sixty thousand (60,000) square feet, the development yield factor is 0.60 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 0.66 PBC per acre. 6.3.1.1.6 If zoning allows one (1) dwelling unit per eighty thousand (80,000) square feet, the development yield factor is 0.40 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 0.50 PBC per acre. 6.3.1.1.7 If zoning allows one (1) dwelling unit per one hundred twenty thousand (120,000) square feet, the development yield factor is 0.27 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 0.33 PBC per acre. 6.3.1.1.8 If zoning allows one (1) dwelling unit per one hundred sixty thousand (160,000) square feet, the development yield factor is 0.20 Pine Barrens Credit per acre. 6.3.1.1.9 If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per acre except for Southampton Town old filed map parcels for which it is 0.20 PBC per acre. 6.3.1.1.10 If zoning allows one (1) dwelling unit per four hundred thousand (400,000) square feet, the development yield factor is 0.08 Pine Barrens Credit per acre. 6.3.1.1.11 One (1) acre as used in 6.3.1.1.1 through 6.3.1.1.10 equals forty three thousand five hundred sixty (43,560) square feet. 6.3.1.1.12 A fractional allocation of a Pine Barrens Credit shall be rounded upward to the nearest one hundredth ( $1/100\text{th} = 0.01$ ) of a Pine Barrens Credit.. 6.3.1.1.13 If zoning allows one (1) dwelling unit per thirty thousand (30,000) square feet, the development yield factor is 1.20 Pine Barrens Credits per acre.

These development yield factors and sample computations are summarized in Figure 6-1 and Figure 6-1a. of the plan and are known to you.

Therefore, Ms. Murphy seeks a re-assessment based upon the actual acreage of her part of parcel SCTM#900-215.3-1-1 as the acreage within that parcel subdivided or not still exists.

Indeed, denying the credits is a taking without compensation which is unconstitutional.

Thank you for your attention to this matter.

Very truly yours,



John F. McHugh