

Litigation Involving the Pine Barrens Commission

As of December 15, 2025; listed by filing date.

*To view the decisions on these court cases, search by index number under
the litigation category in the online document library
(ex; enter 94-5363 to find the decision for Case #1).*

Case Number	Subject	Plaintiff(s)	Defendant(s)	Court and Index Number	Date Filed	Date Decided
1	Nondevelopment decision of 2/9/94 re Longwood Youth Sports Association proposal at Firemen's Park, Ridge, Brookhaven	LI Pine Barrens Society, Richard Amper, North Fork Environmental Council, Long Island Group of the Sierra Club, Open Space Council, Act Now!, Desiree Passantino, Joseph Colao	Commission	Supreme Court, Suffolk County 94-5363	3/11/94	4/28/98 (decision)
2	Parcel inventory and property owner notification	W.J.F. Realty Corp., Reed Rubin	Commission	Supreme Court, Suffolk County 94-8132	4/8/94	11/17/94 (decision)
3	Statutory challenge to Pine Barrens Protection Act	W.J.F. Realty Corp., Reed Rubin	Commission, State of New York, Langdon Marsh, NYS DEC, Suffolk County	Supreme Court, Suffolk County 94-22784	9/19/94	4/22/98 (decision)

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4	Economic analysis	LI Builders Institute	Commission	Supreme Court, Suffolk County 95-11218	5/12/95	5/22/95 (decision)
5	Parcel inventory	Siegel Fenchel & Peddy	Commission, Raymond Corwin	Supreme Court, Suffolk County 95-29078	12/6/95	4/18/97 (decision)
6	Statutory challenge to Pine Barrens Protection Act	Henry Dittmer, et al.	Commission, Suffolk County, Brookhaven Town, Riverhead Town	US District Court for Eastern District of NY 96-2206	5/3/96	2/21/02 (decision) (Also see 2/28/03 2 nd Circuit Summary Order)
7	Commission approval of 8/26/96 re Marando (Manorville) Nurseries project, Brookhaven	LI Pine Barrens Society, Richard Amper, Peter Maniscalco, John Scully, Leslie Hannelin	Commission	Supreme Court, Suffolk County 96-24091	9/18/96	2/10/98 (decision)
8	6/24/98 Pine Barrens Credit allocation to parcels in Manorville and Middle Island, Brookhaven	Robert I. Toussie	Commission	Supreme Court, Suffolk County 98-17135	7/22/98	5/26/1999 (decision)

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9	Nondevelopment decision of 5/10/00 re horse arena in Core, Manorville, Brookhaven	LI Pine Barrens Society, Richard Amper, Katherine Forster Screven, Frank P. Foster, John Trocchio, Richard and Pamela Gatz, Anna Marie Forster Czarnecki, Pamela Todaro	Commission, Carolyn Jolly d/b/a Hidden Pond Stables	Supreme Court, Suffolk County 00-14222	8/8/00	3/19/01 <i>(decision)</i> Entered 11/20/01
10	Nondevelopment decision of 7/12/00 re horse arena in Core, Manorville, Brookhaven	LI Pine Barrens Society, Richard Amper, Kenneth and Irene Kneski, Stanley and Genevieve Horton	Commission, Sloane Marcus, Maria Hickey	Supreme Court, Suffolk County 00-19896	8/9/00	3/20/01 <i>(decision)</i> Entered 6/11/01
11	Statutory challenge to Pine Barrens Protection Act	Walter Olsen, et al.	NYS DEC, et al.	Supreme Court, Albany County 01-3600	6/22/01	5/7/02 <i>(decision)</i> <i>(Also see 7/24/03 3rd Department Decision)</i>
12	Statutory challenge to Pine Barrens Protection Act	Gladys Gherardi et al.	State of NY, et al.	US District Court for Northern District of NY; 01-1066	6/28/01	12/11/03 <i>(decision)</i> <i>(Also see 12/22/05 2nd Circuit Summary Order)</i>

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13	7/10/02 Firemen's Park Core hardship permit, Ridge, Brookhaven	LI Pine Barrens Society, Richard Amper, Carole Jones, Paul J. Decker, Eric Burke, Yolanda Susi, Joseph P. Walsh, Kim Darrow	Commission, Brookhaven Town Parks Department, Joseph Callari, Frank Vigliarolo	Supreme Court, Suffolk County 02-20643	8/7/02	2/26/03 (amended decision) <i>(decision)</i>
14	Assertion of jurisdiction of 3/20/02 re Spring Meadow subdivision, Wading River, Brookhaven	Spring Meadow Enterprises	Commission	Supreme Court, Suffolk County 02-20765	8/9/02	2/11/03 <i>(decision)</i>
15	Field Day Music Concert, Calverton, Riverhead	LI Pine Barrens Society, Richard Amper, Neighborhood Network Research Center, Neil Lewis, North Fork Audubon Society, Mary Mulcahy, North Fork Environmental Council, Howard Meinke, North Shore Audubon Society, Jennifer Wilson Pines, Open Space Now, Alex Wipf, Wayne Rambo, Scott Neary, Margaret Caputo, Robert and Joyce Moss, Louis Fastore	Riverhead Town, Riverhead Town Community Development Agency, Suffolk County Health Department, Commission, New York Music Festival, Andrew Dreskin, Andrew Dreskin Investments	Supreme Court, Suffolk County 03-13625	5/27/03	5/30/03 <i>(decision)</i>

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16	Development decision of 6/21/06 re clearing for agriculture in Core for Manorville Estates Winery, Brookhaven	Gladys Gherardi	Commission	Supreme Court, Suffolk County 06-17693	7/19/06	8/1/07 (decision)
17	Southaven County Park trap and skeet range, Yaphank, Brookhaven	LI Pine Barrens Society, Richard Amper, South Yaphank Civic Association, Johan McConnell, John Del Buono, Howard Carpluk Sue Davis, Douglas Steigerwald	Commission, Suffolk County, Hunter Sports Shooting Grounds	Supreme Court, Suffolk County 06-22354	8/11/06	5/2/07 (decision) (Also see 10/7/08 2 nd Department decision)
18	Assertion of jurisdiction of 7/19/06 re Island Water Park, Calverton, Riverhead	Island Water Park Corp., Eric Scott	Commission, Town of Riverhead	Supreme Court, Suffolk County 06-21016	8/17/06	4/3/07 (decision)

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19	Assertion of jurisdiction of 4/18/07 re Riverhead Town Recreational Facility, Calverton, Riverhead	Riverhead Town, Riverhead Community Development Agency	Commission	Supreme Court, Suffolk County 07-14186	5/3/07	1/30/08 (decision and 3/31/08 judgment) (Also see 3/2/10 2 nd Department decision)
20	Pine Barrens Credit allocation to parcel in Southampton	Edwin Tuccio, Patricia Tuccio	Commission, Clearinghouse	Supreme Court, Suffolk County 07-21497	7/19/07	1/16/08 (decision) (Also see 11/4/09 2 nd Department decision)
21	Pine Barrens Credit allocations to parcels in Manorville (Brookhaven)	Ringhoff Family LLC #1	Commission	Supreme Court, Suffolk County 08-26991	7/17/08	4/8/09 (decision)
22	Commission jurisdiction re development proposal	Robert Liere, John Liere, and Lorraine Liere	Commission	Supreme Court, Suffolk County 09-5910	3/12/09	10/13/10 (decision)

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23	Article 78	County of Suffolk	Commission	Supreme Court, Suffolk County 21807/2010	6/16/10	4/28/11 (decision)
24	American Physical Society hardship permit, Ridge, Brookhaven	LI Pine Barrens Society, Richard Amper	Commission	Supreme Court, Suffolk County 29130/2010	7/21/10	9/26/11 (decision)
25	Article 78	Edwin Fishel Tuccio, Patricia Tuccio	Commission	Supreme Court, Suffolk County 28576/2010	9/20/10	1/12/12 (decision) <i>(Also see 1/15/14 2nd Department decision)</i>
26	Failure to process plaintiff's as of right subdivision application	Brush Development LLC	Town of Brookhaven, Commission	US District Court for Eastern District of NY CV-113297	7/8/11	1/17/14 (decision) Dismissed

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27	JCJC Holding Company hardship permit, Hampton Bays, Southampton	LI Pine Barrens Society, Richard Amper	Commission	Supreme Court, Suffolk County 22619/2011	2/16/12	3/22/12 (decision) (Also see 1/29/14 2 nd Department decision)
28	Article 78	Wainscott Properties Inc.	New York State Department of Environmental Conservation, Commission	Supreme Court, Suffolk County 12-27600	9/6/12	11/13/13 (decision)
29	Westhampton Property Associates hardship permit, Speonk, Southampton	LI Pine Barrens Society, Richard Amper, Robert McGrath, Thomas Casey as members of the Board of Directors	Commission	Supreme Court, Suffolk County 12-34735	12/31/12	2/27/14 (decision) (Also see 4/20/16 2 nd Department decision)
30	Pine Barrens Credit Program	Pluralis, LLC	Commission, Town of Brookhaven	Supreme Court, Suffolk County 13-15979	6/19/13	11/4/14 (decision)
31	Pine Barrens Credit Certificate Number 0900-00320 d. 7/6/06	Nancy M. Minett	Commission	Supreme Court, Nassau County 14-001885		7/17/14

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32	Article 78	Equine Facility, LLC, Carolyn Jolly, and James P. Eagan	Commission, New York State Department of Environmental Conservation, State of New	Supreme Court, Suffolk County 16-01258	2/4/16	9/29/16 <i>(decision)</i> <i>(Also see 11/29/17 2nd Department decision)</i>
33	Article 78	Henry R. Dittmer	Commission	Supreme Court, Suffolk County 16-02657	3/11/16	<i>Pending</i>
34	Article 78	Armand Gustave, LLC c/o Peter Baron	Commission	Supreme Court, Suffolk County 16-6671	7/11/16	11/7/16 <i>(decision)</i>
35	Article 78	Antro Realty Corp.	Commission	Supreme Court, Suffolk County 16-09916	10/17/16	10/30/18 <i>(decision)</i>
36	Notice of Intent to Sue	Defend H2O	Commission, New York State Department of Environmental Conservation, Commission		7/10/19	<i>Pending</i>
37	Pine Barrens Credit Certificate Applications	Armand Gustave LLC, Armand G. Eagan and Peter Baron	Commission	Supreme Court, Suffolk County 601047/2020	2/14/20	2/18/22 <i>(decision)</i>

38	Article 78	Christopher Worth	Commission	Supreme Court, Suffolk County 609475/2021	5/20/21	7/16/21 (decision)
39	Article 78	Robert's Premier Development, LLC	Commission	Supreme Court, Suffolk County 605285/2024	2/29/24	12/10/24
40	Articles 49 and 57	Steven Affatato, Dolores Alberto and Affa Organics, Inc.	Commission	Supreme Court, Suffolk County 004697/2014	3/5/14	04/09/24