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**OFFICE OF THE SUPERVISOR
TOWN OF SOUTHOLD**

FOR IMMEDIATE RELEASE

Date: October 24, 2024

Contact: Southold Town Supervisor Albert J. Krupski, Jr.

**Re: Brinkmann Lawsuit
Ben Brinkmann, Hank Brinkmann, Mattituck
12500 LLC v Town of Southold**

I am pleased to report that on Monday, October 21, 2024, the United States Supreme Court issued a summary disposition of this case, which declined Brinkmann's request to hear the appeal of Hank and Ben Brinkmann, forever concluding their protracted legal battle with the Town of Southold. The Brinkmann brothers sought to overturn lower federal court rulings, alleging that Southold violated the Takings Clause of the Fifth Amendment. The Supreme Court's decision not to grant a writ of certiorari effectively ends the Brinkmann's pursuit to build a big-box hardware store at 12500 Main Road, Mattituck. The proposed store faced strong public opposition due to its location in a congested area of downtown Mattituck which comprised the last remaining green space in the area. This lawsuit is now over and Southold's right to determine the fate of its community has been upheld.

This is a momentous outcome for the Town of Southold and specifically the hamlet of Mattituck. This parcel lies within the heart of the Town and will forever remain natural and undisturbed, open to the use, recreation and enjoyment of our residents. Brinkmann's proposed development plan would have negatively affected the character of this area, to the detriment of our residents, and would have exacerbated traffic congestion at this already overburdened intersection.

Represented by the non-profit Institute for Justice, the Brinkmann brothers argued that the Town's plan to convert the property into a park was a pretext to block their business venture, infringing their Fifth Amendment rights. The Supreme Court's decision upholds lower court rulings that a government taking is justified if it serves a reasonable public purpose and provides just compensation.

Though the substantive legal battle is over, an appeal remains regarding a federal magistrate's decision requiring the Brinkmanns to pay substantial attorney's fees and costs to the Town.