

## **6. Pine Barrens Credit Program**

### **6.1 Purpose of the Pine Barrens Credit Program**

As required in the Long Island Pine Barrens Protection Act, the Plan is designed to preserve the pine barrens ecology and to ensure the high quality of surface and groundwater within the Central Pine Barrens. The Act states that the Plan shall discourage piecemeal and scattered development, and accommodate development in a manner consistent with the long term integrity of the pine barrens ecosystem. The Act further states that the Plan should ensure a compact, efficient and orderly plan of development. The Legislature recognized that the Plan may restrict the use of some lands currently in private ownership and that these restrictions are necessary and desirable to protect and preserve the hydrologic and ecologic integrity of the Central Pine Barrens area, as well as the public health and welfare of future generations.

It is the primary purpose of the Pine Barrens Credit Program to maintain value in lands designated for preservation or protection under the Plan by providing for the allocation and use of Pine Barrens Credits (PBCs). The Pine Barrens Credit Program will also promote development which is compact, efficient and orderly, and which is designed to protect the quality and quantity of surface water and groundwater and the long term integrity of the pine barrens ecosystem.

### **6.2 Pine Barrens Credit Certificate defined**

A Pine Barrens Credit (PBC) Certificate is a document issued on behalf of the Commission which indicates the number of Pine Barrens Credits to which the owner of a particular parcel of land is entitled and which attests to the fact that the development rights of a particular parcel of land in a sending district of the Central Pine Barrens have been severed from the land by the recording of a conservation easement, and that these rights are available for sale or use.

### **6.3 Allocation of Pine Barrens Credits** *(amended 11/21/12)*

For the purpose of computing the allocation of Pine Barrens Credits on land located within that portion of the Core Preservation Area which was in existence prior to January 1, 2014, 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.

For the purposes of computing the allocation of Pine Barrens Credits on land in the expanded portion of the Core Preservation Area in the Carmans River Watershed created by the New York State Legislature's adopted amendment to Environmental Conservation Law Article 57, Section 57-0107(11) on June 7, 2013, a parcel of land is defined in the expanded Core Preservation Area

as a separately assessed Suffolk County Real Property Tax Parcel which existed on January 1, 2014, the effective date of the amendment to Environmental Conservation Law Article 57, Section 57-0107(11).

### **6.3.1 Method of allocation**

One (1) Pine Barrens Credit shall be allocated for each single family dwelling permitted on a residentially zoned parcel of land located within the Core Preservation Area or a designated sending area designated within this Plan located within that portion of the Core Preservation Area which was in existence prior to January 1, 2014, based upon the development yield set forth in Sections 6.3.1.1.1 through 6.3.1.1.9 of this Plan under the zoning regulations in existence when this Plan is adopted in June, 1995.

One (1) Pine Barrens Credit shall be allocated for each single family dwelling permitted on a residentially zoned parcel of land located in the expanded Core Preservation Area of the Carmans River Watershed Area created by the New York State Legislature's adopted amendment to Environmental Conservation Law Article 57, Section 57-0107(11) on June 7, 2013, based upon the development yield set forth in Sections 6.3.1.1.1 through 6.3.1.1.9 of this Plan under the zoning regulations in existence as of January 1, 2014, the effective date of this adopted amendment to Environmental Conservation Law Article 57, Section 57-0107(11).

Development yield is established by multiplying the gross lot area of the parcel by the development yield factor for each residential zoning category. The development yield factors for the various residential zoning categories are enumerated in Section 6.3.1.1 below, in which one acre equals 43,560 square feet.

#### **6.3.1.1 Development yield factors and computation for single family residentially zoned property** *(amended 5/16/12)*

- 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. *(amended 5/16/12)*
- 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. *(amended 5/16/12)*
- 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. *(amended 5/16/12)*
- 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. *(amended 5/16/12)*
- 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. *(amended 5/16/12)*
- 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. *(amended 5/16/12)*
- 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. *(amended 5/16/12)*

These development yield factors and sample computations are summarized in Figure 6-1 and Figure 6-1a.

<b>Figure 6-1: Pine Barrens Credit Program development yield factors for single family residentially zoned property</b> <i>(amended 5/16/12)</i>		
<b>Provision</b>	<b>If zoning allows:</b>	<b>Then the development yield factor (*) is:</b>
6.3.1.1.1	1 (one) dwelling unit per 10,000 sq ft	2.70 PBCs per acre(**)
6.3.1.1.2	1 (one) dwelling unit per 15,000 sq ft	2.00 PBCs per acre(**)
6.3.1.1.3	1 (one) dwelling unit per 20,000 sq ft	1.60 PBCs per acre(**)

6.3.1.1.4	1 (one) dwelling unit per 40,000 sq ft	0.80 PBC per acre(**) except Southampton Town old filed map parcels which receive 1.00 PBC per acre
6.3.1.1.5	1 (one) dwelling unit per 60,000 sq ft	0.60 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.66 PBC per acre
6.3.1.1.6	1 (one) dwelling unit per 80,000 sq ft	0.40 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.50 PBC per acre
6.3.1.1.7	1 (one) dwelling unit per 120,000 sq ft	0.27 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.33 PBC per acre
6.3.1.1.8	1 (one) dwelling unit per 160,000 sq ft	0.20 PBC per acre(**)
6.3.1.1.9	1 (one) dwelling unit per 200,000 sq ft	0.16 PBC per acre(**) except Southampton Town old filed map parcels which receive 0.20 PBC per acre
6.3.1.1.10	1 (one) dwelling unit per 400,000 sq ft	0.08 PBC per acre(**)
6.3.1.1.13	1 (one) dwelling unit per 30,000 sq ft	1.20 PBC per acre(**)

*(\*) These development yield factors are augmented by section 6.3.1.1.12: fractional allocations are rounded upward to the nearest one hundredth (1/100 = 0.01) of a Pine Barrens Credit (PBC).*

*(\*\*) One acre equals 43,560 sq ft.*

*“Southampton Town old filed map parcels” are defined in Southampton Town Code Section 330-53, including any amendments by the Town to this provision in the future.*

**Figure 6-1a Pine Barrens Credit allocation examples  
for single family residentially zoned property** *(amended 5/16/12)*

**Example 1:** A 1.00 acre parcel zoned one unit per 40,000 square feet.  
1.00 acre X 0.80 Pine Barrens Credit per acre = 0.80 PBC

**Example 2:** A 3.25 acre parcel zoned one unit per 40,000 square feet.  
3.25 acres X 0.80 PBC per acre = 2.60 PBCs

**Example 3:** A 7.89 acre parcel zoned one unit per 80,000 square feet.  
7.89 acres X 0.40 PBC per acre = 3.156 PBCs  
This is then rounded upward to 3.16 PBCs as per section 6.3.1.1.12.

**Example 4:** A 10.53 acre parcel zoned one unit per 120,000 square feet.  
10.53 acres X 0.27 PBC per acre = 2.8431 PBCs  
This is then rounded upward to 2.85 PBCs as per section 6.3.1.1.12.

**Example 5:** A 0.25 acre parcel zoned one unit per 200,000 square feet.  
0.25 acre X 0.16 PBC per acre = 0.04 PBC  
This is then increased to the minimum allocation of 0.10 PBC as per section 6.7.6.7.

**6.3.2 Allocation for property zoned for other than single family residential use** *(amended 11/21/12)*

The Commission establishes the allocations in Figure 6-2 for property in the Core Preservation Area, which is designated as a sending area, as well as for sending area property within the Compatible Growth Area which is zoned for other than single family residential use.

**Figure 6-2: Pine Barrens Credit Program development yield factors  
for property zoned for other than single family residential use.** *(amended 11/21/12)*

*(Note: Although some of the following zoning classes are now obsolete, those have been retained here in the event that a parcel in a sending area had one of those zoning categories on its relevant record date listed in Section 6.3.)*

<b>Zoning Class</b>	<b>Pine Barrens Credits per acre</b>
Defense Institutional District	1.00 PBC per acre*
Industrial A District	1.00 PBC per acre*

Highway Business	1.00 PBC per acre*
J Business 2 District	1.00 PBC per acre*
J Business 3 District	0.20 PBC per acre*
J Business 4 District	1.00 PBC per acre*
J Business 5 District	1.00 PBC per acre*
Light Industrial 1 District	1.00 PBC per acre*
Light Industrial 3 District	0.27 PBC per acre*
Light Industrial 200 District	0.20 PBC per acre*
Light Industrial 40 District	1.00 PBC per acre*
Brookhaven Multi-Family 1 District	0.27 PBC per acre*
Brookhaven PRC	0.10 PBC per acre*
Riverhead Natural Resource Preservation District	0.20 PBC per acre*
Riverhead Open Space Conservation District	0.25 PBC per acre*
All Other Districts	0.10 PBC per acre*
*One acre equals 43,560 square feet; fractional allocations are rounded upward to the nearest one hundredth (1/100 = 0.01) of a Pine Barrens Credit (PBC). No fewer than 0.10 (one tenth) Pine Barrens Credit shall be allocated by the Clearinghouse for any parcel of land, regardless of its size or road accessibility.	

### **6.3.3 Limitations on allocation** *(amended 11/21/12)*

The following limitations shall apply to the allocation of Pine Barrens Credits:

- 6.3.3.1 No allocation shall be made for any property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.
- 6.3.3.2 No allocation shall be made for any property for which the development rights have previously been fully used, or allocated for use, under this Plan or any other program.
- 6.3.3.3 No allocation shall be made for any property owned or held for the purpose of land protection, preservation or conservation.
- 6.3.3.4 Partially improved parcels shall receive a decreased allocation based upon the extent of improvement. Furthermore, there shall be a proportional decrease in allocation based

upon the receipt of all discretionary permits for improvement of a parcel or hardship permits issued by the Commission. The Pine Barrens Credit allocation for a parcel of land shall be reduced by one (1) Pine Barrens Credit for each existing single family unit on the parcel or equivalent as such equivalent is described in the document entitled *Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences*, approved by the Suffolk County Department of Health Services, Division of Environmental Quality, on June 15, 1982, revised March 5, 1984 and December 1, 2009, and as implemented prior to February 5, 1988, as amended from time to time (hereinafter referred to as the "Suffolk County Health Department Standards"). *(amended 5/16/12)*

- 6.3.3.5 In situations where a development project site contains a parcel that is split between the Core Preservation Area and Compatible Growth Area, and where the entire project site's acreage (i.e., Core and Compatible Growth Area acreage added together) was used for determining the amount of clearing that can occur on the Compatible Growth Area portion, then no Pine Barrens Credits can be obtained on the Core Preservation Area portion. *(amended 11/21/12)*
- 6.3.3.6 Pine Barrens Credits can only be allocated to partially developed parcels when the parcel size is at least twice the minimum lot size for the zoning district to which that parcel belongs and the parcel is otherwise eligible for a Credit allocation under this Plan. *(amended 11/21/12)*
- 6.3.3.7 In allocating Credits to portion(s) of an otherwise eligible parcel, the Clearinghouse shall consider the extent of any prior public acquisition of that parcel or any portion thereof. *(amended 11/21/12)*
- 6.3.3.8 No allocation of Credits shall be made to any parcel or portion thereof upon which an ownership overlap condition exists among more than one competing owners unless and until such ownership overlap condition is resolved by the applicant to the satisfaction of the Commission. In addition, applications for Credits on such parcels where the overlap condition includes as one of the competing owners any governmental agency or body, the Commission shall communicate in writing to the relevant governmental agency or body a request for guidance on resolving the overlap condition. *(amended 11/21/12)*

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

### **6.4.1 Definitions**

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

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

"As of right" means that the redemption of Pine Barrens Credits entitles a person to an increase in intensity or density in accordance with this Plan. Town Planning Boards, and, in the Town of Riverhead, the Riverhead Town Board performing the function of site plan review, may determine compliance with this Plan as part of the subdivision or site plan review procedures,

and shall approve such use of Pine Barrens Credits with no additional special permit required.

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

#### **6.4.1.2 Increased density and increased intensity**

"Increased density" means an increase in the number of residential units. "Increased intensity" means an increase in the gross floor area of a nonresidential structure and/or use. Development in accordance with existing zoning regulations is not considered an increase in permitted land use intensity or density.

### **6.4.2 Town of Brookhaven designated Pine Barrens Credit receiving districts**

#### **6.4.2.1 Brookhaven Pine Barrens Credit Program overview**

The Pine Barrens Credit Program for the Town of Brookhaven is designed to redirect development for residentially zoned lands within the Core Preservation Area to receiving districts throughout the Town utilizing two basic approaches. These are:

1. "As of right" Credit Redemption: The transfer of development rights through Residential Overlay Districts (RODs) to one (1) and two (2) acre residentially zoned lands with increased density through approval of the Planning Board pursuant to the definition in Section 6.4.1.1 of this Plan, and
2. "Non as of right" Credit Redemption: The use of innovative planning techniques such as Planned Development Districts (PDDs), Planned Retirement Communities (PRCs), and other zoning incentives.

#### **6.4.2.2 Brookhaven "As of Right" Residential Overlay District specifications**

The Town of Brookhaven has identified Residential Overlay Districts to receive Pine Barrens Credits from the Core Preservation Area where increased density ~~may~~ shall be allowed in those residential districts set forth in a map contained in Figure 6-3.

##### **6.4.2.2.1 Brookhaven density increase**

Under the Brookhaven transfer of development rights program, a single Pine Barrens Credit shall permit an increase in density equal to one (1) single family dwelling as defined in the Brookhaven Town Code.

##### **6.4.2.2.2 Brookhaven total yield** *(amended 5/16/12)*



Under the Brookhaven transfer of development rights program, the total yield in all eligible one (1) and two (2) acre residentially zoned receiving districts shall be equal to the square footage of the total parcel contained within the receiving site divided by the minimum square footage allowed under the Brookhaven Town Code in the appropriate residential zone. The minimum lot size in such eligible residentially zoned receiving districts shall allow for the construction of necessary roads and recharge basins, and the possible dedication of open space.

Notwithstanding the above, the minimum lot size shall be as necessary to assure compliance with Section 6.5.2 of this Plan. However, such decrease in the minimum lot size below the formula set forth above shall only be authorized where absolutely necessary to comply with Section 6.5.2 of this Plan, and in no instance shall the average lot size be less than 30,000 square feet in A-1 zoning districts and 60,000 square feet in A-2 zoning districts.

#### **6.4.2.2.3 Brookhaven approval subject to criteria** *(amended 5/16/12)*

This “as of right” increase shall be allowed, subject to the approval of the Town of Brookhaven Planning Board during the subdivision and site plan approval processes, based upon the criteria set forth below and those contained within Section 85-450(D) of the Brookhaven Town Code.

#### **6.4.2.2.4 Brookhaven criteria**

The following two criteria shall apply:

1. An area of a parcel shall be constituted ineligible as a Residential Overlay District where the area of the parcel is located within:
  - a. five hundred (500) feet of any stream, bluff, surface water, or wetlands regulated by the New York State Department of Environmental Conservation or the Town of Brookhaven;
  - b. ~~the one hundred (100) year flood plain~~ hurricane inundation zones as defined by the Federal Emergency Management Agency and the New York State Emergency Management Office (including, but not limited to, Fire Island), and Special Flood Hazard Areas as determined by the National Flood Insurance Rate Maps;
  - c. the South Setauket Special Groundwater Protection Area (South Setauket SGPA);
  - d. the state's Wild, Scenic and Recreational River corridors as mapped by the New York State Department of Environmental Conservation;
  - e. ~~existing public lands~~ publicly or privately owned parcels held for, or dedicated to, conservation or agricultural preservation purposes, including, but not limited to, parklands, parcels with conservation or agricultural preservation easements and parcels whose development rights or development potential have been removed or restricted;
  - f. the Core Preservation Area.

2. A parcel shall be ineligible as a Residential Overlay District where forty percent (40%) or more of the land area of the parcel contains steep slopes of fifteen percent (15%) or greater.
3. A parcel shall be ineligible as a Residential Overlay District where the parcel does not conform to the requirements for such Districts contained within Section 85-450(D) of the Brookhaven Town Code.

### **6.4.2.3 Innovative strategies for the redemption of Brookhaven Pine Barrens Credits**

In addition to the Planning Board approval process as described in Section 6.4.1.1 of this Plan, the Town of Brookhaven intends to use creative techniques to provide additional mechanisms for the use of Pine Barrens Credits during the life of the Pine Barrens Credit Program. The use of Planned Development Districts, subject to the approval of the Town Board, will allow for the conversion of residential development rights into commercial, industrial and/or other uses, which will serve to limit the final number of residential dwelling units to be built while avoiding a negative tax impact.

In addition, the Town of Brookhaven will seek to utilize the following initiatives, through approval of the Brookhaven Town Board, for redemption of Pine Barrens Credits where appropriate:

1. Use of "~~R~~"residential districts, consisting of currently residentially zoned parcels, which are too small for Planned Development District use, but which are more appropriately zoned for commercial and industrial use;
2. The use of Planned Retirement Communities as already set forth in the current Brookhaven Town Code;
3. Other innovative zoning incentives.

### **6.4.2.4 Additional Brookhaven Pine Barrens Credit Program policies**

#### **6.4.2.4.1 Transfers from Hydrogeologic Zone 3 to Hydrogeologic Zone 6**

The Town of Brookhaven may also seek the support of the Commission to obtain a ruling from the Suffolk County Board of Health to allow for the transfer of development rights from the Core Preservation Area, which is located in Hydrogeologic Zone 3, to selected portions of Hydrogeologic Zone 6. This transfer would utilize the increased bonus density formula set forth above, and transfer Pine Barrens Credits to the northern portions of Hydrogeologic Zone 6 (i.e., north of Sunrise Highway, NYS Route 27) so as not to increase nitrogen loadings to the Great South Bay, Moriches Bay or their tributary streams or wetlands.

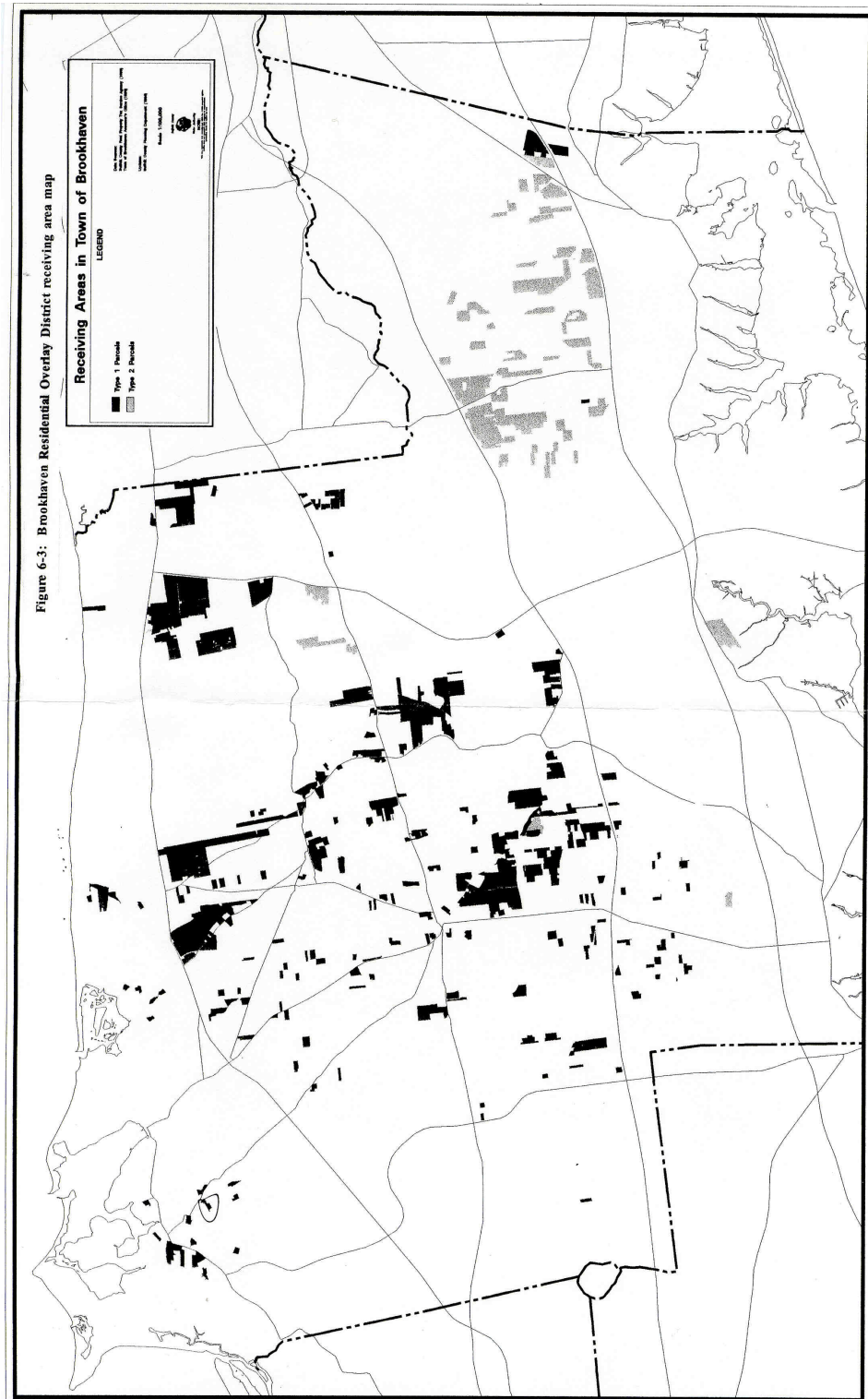
#### **6.4.2.4.2 Brookhaven acquisition priorities**

The Town of Brookhaven, in addition, requests that the Commission prioritize acquisition of Brookhaven residential parcels within the Core Preservation Area in those school districts which are most adversely impacted by the Plan.

#### **6.4.2.4.3 Brookhaven townwide policy**

It is the intent of the Town of Brookhaven to utilize transfers of development rights in a manner which will allow for the preservation of the Core Preservation Area without a significant negative environmental or economic impact on the rest of the Town.

**Figure 6-3: Brookhaven Residential Overlay District as of right receiving area map**



### **6.4.3 Town of Riverhead designated Pine Barrens Credit receiving districts**

The Town of Riverhead has identified receiving districts which are eligible to receive Pine Barrens Credits in an as of right manner from the Core Preservation Area, and in which increased intensity shall be allowed. These receiving districts are described in Figures 6-4 and 6-5.

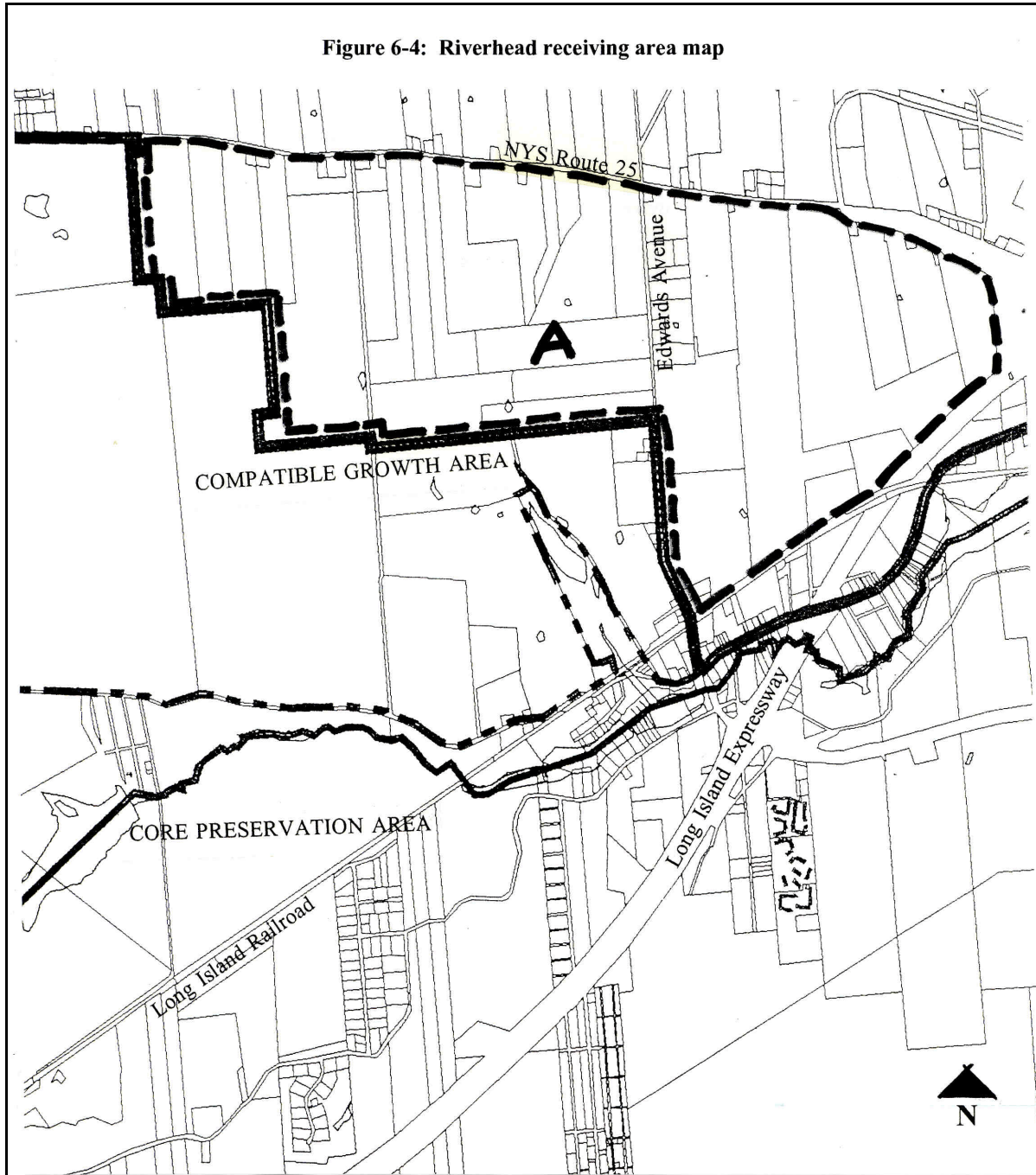
#### **6.4.3.1 Riverhead intensity increase**

A single Pine Barrens Credit shall permit an increase in intensity equal to three hundred (300) gallons per day per acre or the equivalent rated sewage flow as described in the Suffolk County Health Department Standards.

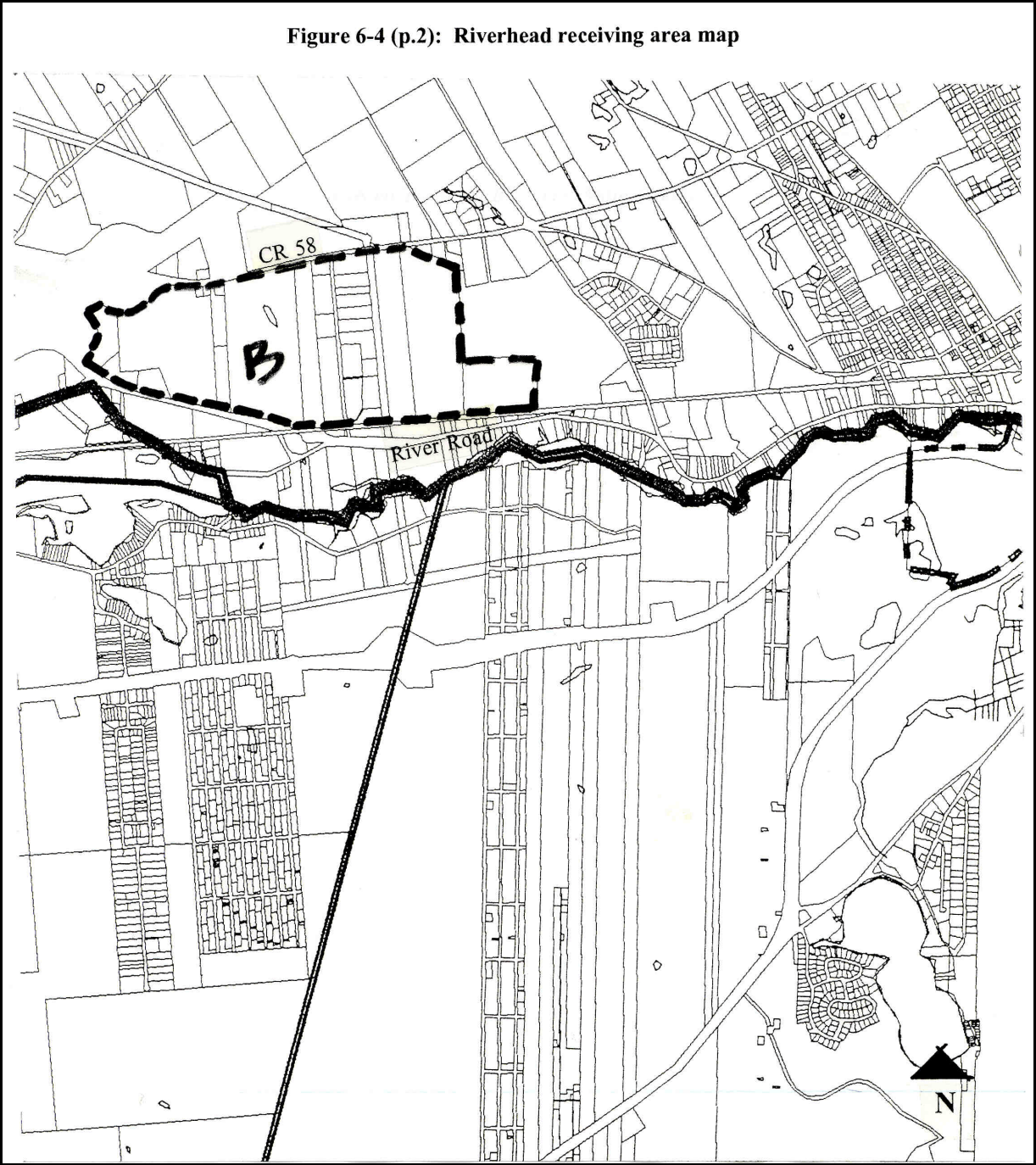
#### **6.4.3.2 Riverhead as of right policy**

The increased intensity shall be available as of right for those receiving districts identified in Figures 6-4 and 6-5.

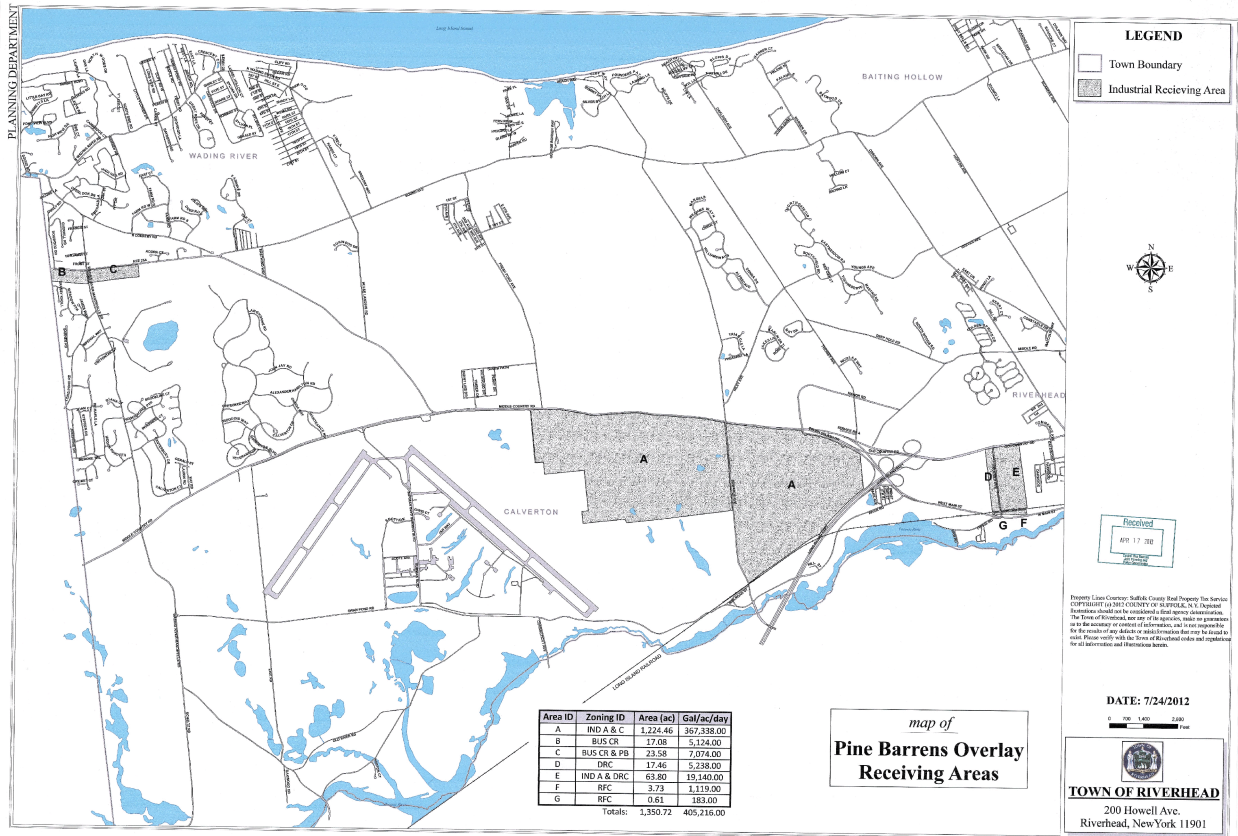
**Figure 6-4: Riverhead as of right receiving area map - Area "A" Calverton**



**Figure 6-4 (p.2): Riverhead as of right receiving area map - Area “B” West Main Street**



NEW FIGURE:  
Town of Riverhead Receiving Areas





**Figure 6-5: Riverhead receiving area parcels**

*(All parcels which are within the receiving areas are listed here, regardless of their current land use. All Riverhead parcels are within the same school district.)*

<b>Tax map number</b>	<b>Acreege</b>	<b>Tax map number</b>	<b>Acreege</b>
<b>Receiving Area "A": Calverton</b>			
0600-97-2-37	0.46	0600-117-1-3	41.98
0600-98-1-4	1.0	0600-117-1-4	22.73
0600-98-1-7	1.0	0600-117-1-5	41.43
0600-98-1-8	1.9	0600-117-1-6	24.16
0600-98-1-10	1.0	0600-117-1-8.4	30.18
0600-98-1-11	0.5	0600-117-2-2.3	3.9
0600-98-1-17	2.0	0600-117-2-2.5	9.5
0600-98-1-20	4.4	0600-117-2-2.6	2.0
0600-98-1-21	10.3	0600-117-2-3.1	4.49
0600-98-1-22	0.85	0600-117-2-3.2	3.0
0600-99-1-2.2	0.90	0600-117-2-4.1	8.0
0600-99-1-3	7.45	0600-117-2-5	0.78
0600-99-2-9	1.0	0600-117-2-6	1.0
0600-99-2-14.1	0.48	0600-117-2-7.2	4.9
0600-99-2-27	0.77	0600-117-2-8.2	52
0600-116-1-1	50.5	0600-117-2-9.1	37.53
0600-116-1-2	30.2	0600-117-2-11	116.30
0600-116-1-3.1	28.2	0600-117-2-12.3	121.91
0600-116-1-4	22.5	0600-117-2-13	14.37
0600-116-1-7.1	113.3	0600-117-2-14	0.62
0600-116-2-1.1	25.1	0600-118-1-1	0.49
0600-116-2-2	25.1	0600-118-1-2.1	31.84
0600-116-2-3	25.4	0600-118-1-2.2	32.76
0600-116-2-4	24.5	0600-118-1-3.1	27.86
0600-116-2-5	48.3	0600-118-1-4	0.33
0600-117-1-1.2	36.39	0600-118-1-13	0.73
0600-117-1-2	8.86		

**Figure 6-5 (p.2): Riverhead receiving area parcels**

*(All parcels which are within the receiving areas are listed here, regardless of their current land use. All Riverhead parcels are within the same school district.)*

<b>Tax map number</b>	<b>Acreege</b>	<b>Tax map number</b>	<b>Acreege</b>
<b><i>Receiving Area "B": West Main Street</i></b>			
0600-118-3-2.2	4	0600-119-1-35.5	2.4
0600-118-3-2.3	7.6	0600-119-1-36	1.6
0600-118-3-3	4	0600-119-1-37	16.7
0600-118-3-4	47.6	0600-119-1-38	58.2
0600-118-3-5.1	0.42	0600-119-1-40	3.6
0600-118-3-5.2	0.42	0600-119-2-1	0.5
0600-118-3-6	0.65	0600-119-2-2	0.1
0600-118-3-7	4	0600-119-2-4.1	1.7
0600-118-3-8	4.89	0600-119-2-5	0.4
0600-119-1-22.1	21	0600-119-2-7.1	3.6
0600-119-1-23	46.9	0600-119-2-8	0.2
0600-119-1-24	24.8	0600-119-2-10.1	0.4
0600-119-1-25	6.6	0600-119-2-11	0.3
0600-119-1-26.1	2.5	0600-119-2-12	0.6
0600-119-1-28.2	2.3	0600-119-2-13	0.5
0600-119-1-28.4	2.3	0600-119-2-14	0.3
0600-119-1-28.5	2.3	0600-119-2-15	0.1
0600-119-1-28.6	3.7	0600-119-2-16	0.6
0600-119-1-29	3.5	0600-119-2-17	0.4
0600-119-1-30	1.5	0600-119-2-18	0.4
0600-119-1-31.2	1.9	0600-137-1-7	2
0600-119-1-32.1	3.9	0600-137-1-8	1.6
0600-119-1-32.2	3	0600-137-1-32	51.4
0600-119-1-35.3	9.3	0600-137-2-10	12.1
0600-119-1-35.4	4		

**6.4.4 Town of Southampton designated Pine Barrens Credit receiving districts**

The Town of Southampton has identified receiving districts which are eligible to receive Pine Barrens Credits as of right from the Core Preservation Area and the Compatible Growth Area and in which increased density shall be allowed. These receiving districts are described in Figures 6-7 and 6-8.

**6.4.4.1 Overview of the Southampton Pine Barrens Credit Program** *(amended 5/16/12)*

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

Two primary approaches are to be used:

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

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

<b>Figure 6-6: Southampton zoning and Pine Barrens Credit illustration</b>						
<b>Statutory zone</b>	<b>R-20 acreage</b>	<b>R-40 acreage</b>	<b>CR-60 acreage</b>	<b>R-80 acreage</b>	<b>CR-120 acreage</b>	<b>CR-200 acreage</b>
Core Preservation Area	13	16	169	0	265	3367
Compatible Growth Area	48	0	10	42	221	1015
Totals	61	16	179	42	486	4382
<i>Note:</i> R-20 is a Residence District with a 20,000 square feet minimum lot size. CR-60 is a Country Residence District with a 60,000 square feet minimum lot size.						

Pine Barrens Credits would be allocated to owners of these lands using the method outlined in this chapter of this Plan. However, in the case of old filed map lots, allocation of Pine Barrens Credits does not include a yield factor, since these lots were platted with infrastructure allowances. This coincides with the Town's existing old filed map regulations and results in a slightly higher allocation of Pine Barrens Credits for these lots, as defined within Section 6.3.1.1 and Figure 6-1. Southampton Town old filed map parcels are defined in Southampton Town Code Section 330-53, and that definition is adopted in this Plan for purposes of the Pine Barrens Credit Program, including any amendments by the Town to this provision in the future.

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

#### **6.4.4.2 As of right redemption of Southampton Pine Barrens Credits**

The primary strategy for the redirection of development from the Core Preservation Area is through Residential Overlay Districts. In these districts, a single Pine Barrens Credit shall allow an increase in density equal to one (1) dwelling unit, as defined by the Southampton Town Code. The end result is an incremental increase in density in selected residentially zoned areas of the Town.

This does not result in a net gain of dwelling units or population within the Town, but simply redirects development and channels growth in order to preserve more ecologically sensitive lands. The as of right receiving areas are designed to accommodate those Pine Barrens Credits from the Core Preservation Area within the same school district. In no case will it be necessary to cross school district boundaries on an as of right basis.

In Southampton, where most of the receiving areas are presently zoned one (1) unit per five acres, the creation of Residential Overlay Districts will allow the redemption of Pine Barrens Credits through an average of one (1) unit per acre. In certain school districts, in order to accommodate all Pine Barrens Credits, the Southampton Town Planning Board may need to require lot sizes less than one (1) unit per acre, though not lower than one (1) unit per one half (0.5) acre.

Where it was necessary to designate receiving sites within areas that are presently zoned one (1)

unit per acre, the establishment of densities higher than one (1) unit per one half (0.5) acre may be essential for full redemption of Pine Barrens Credits within that school district. For those sites, incorporation of a sewage treatment plant would be required by the Suffolk County Sanitary Code.

The net result of these Southampton Town policies is compact and efficient development that will protect Central Pine Barrens lands without significant public expenditure. The designation of receiving sites coincides with those areas where infrastructure and municipal services already exist. Thus, the cost to municipalities and taxpayers with regard to new road construction, water main extension and the provision of police, fire and other services is thereby lowered.

#### **6.4.4.3 Other strategies for the redemption of Southampton Pine Barrens Credits**

The redemption of Pine Barrens Credits through mechanisms other than as of right uses may be possible through the many strategies that were outlined in *The Comprehensive Plan Initiative for Groundwater and Pine Barrens Forest Preservation* (the Southampton "Western Generic Environmental Impact Statement" or WGEIS; 1993), and which continue to be outlined through the update of the Town Comprehensive Plan. An overview of possible strategies which will be given future consideration by the Town is listed below, along with the potential areas where such redemption may take place.

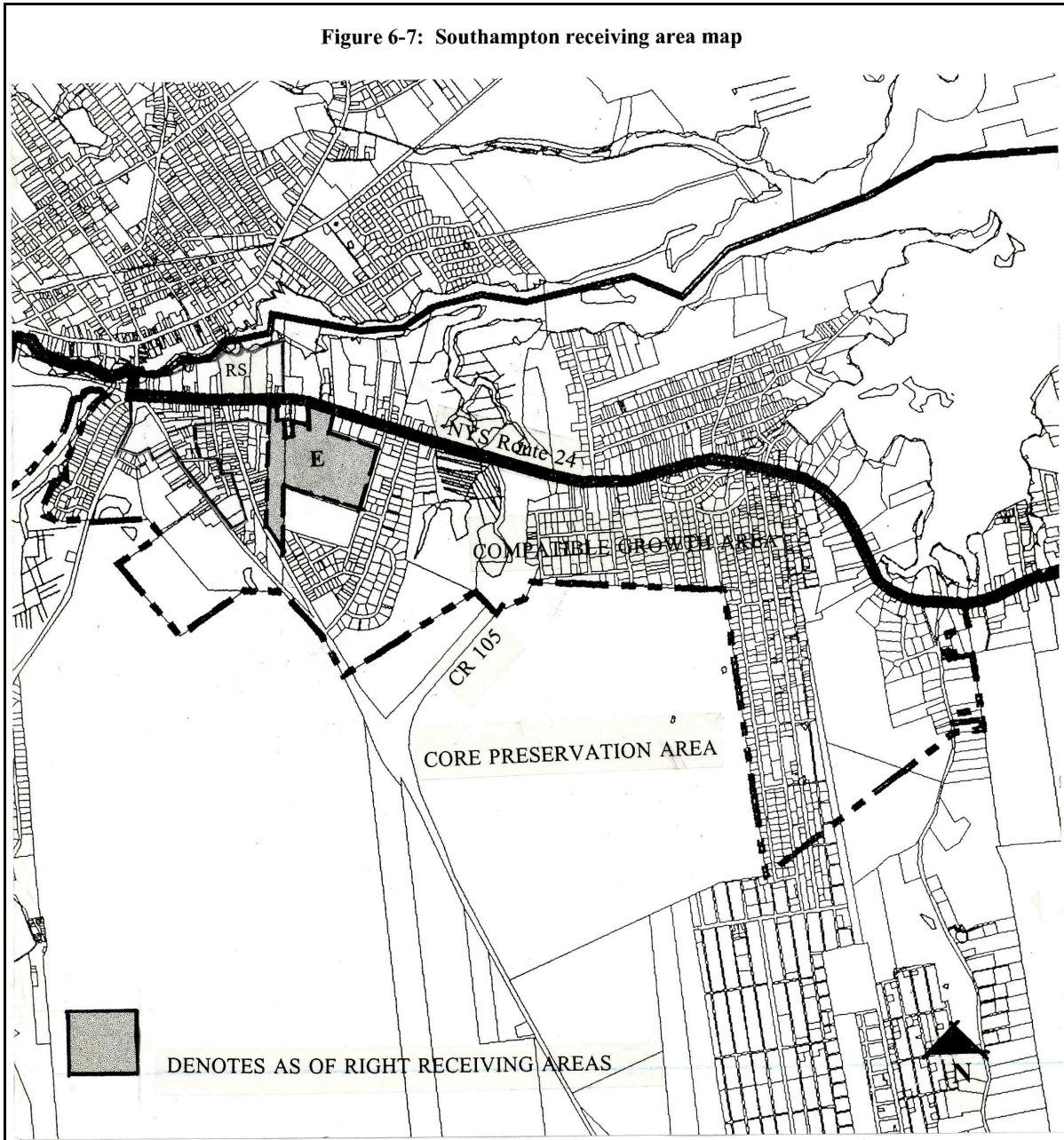
These areas would serve to provide more opportunities for future use of Pine Barrens Credits. Furthermore, the use of Planned Development Districts would allow for the conversion of residential development rights into commercial, industrial, tourism, or other uses. These would serve to limit the ultimate amount of residential dwelling units that could be built while still providing for a strong tax base.

The following potential strategies may be employed in the future by Southampton Town, as approved by the Town Board, for the redemption of Pine Barrens Credits. Geographical areas that may be suitable for such redemption mechanisms are also noted.

1. Use of Pine Barrens Credits could permit density increases for senior citizen housing and elder care facilities.
2. Overlay districts along the Montauk Highway and Long Island Railroad corridors could promote revitalization and concentrated development patterns within existing hamlet centers. Potential locations for such activity include, but are not limited to, areas L, R and S.
3. Use of Pine Barrens Credits could allow accessory apartments within existing residential zoning districts.
4. Mixed use overlay districts along existing commercial corridors could allow for alternative uses to counteract strip development. Locations that could be suitable for these receiving districts are Q, T, R and 2.

5. Appropriate industrial development areas have been identified at the Suffolk County airport for the redirection of Pine Barrens Credits from industrially zoned land located in the Core Preservation Area, and for the conversion of residential Pine Barrens Credits.
6. Use of Pine Barrens Credits could promote tourism uses and related facilities. Areas M, I, P, EQ, and RS are identified as suitable for this.
7. Use of Pine Barrens Credits could allow multifamily, or more compact, residential development. Sites that could accommodate this activity include K, J, 2, E, and the county's Bomarc site along Old Country Road in Westhampton.

**Figure 6-7: Southampton as of right receiving area map**

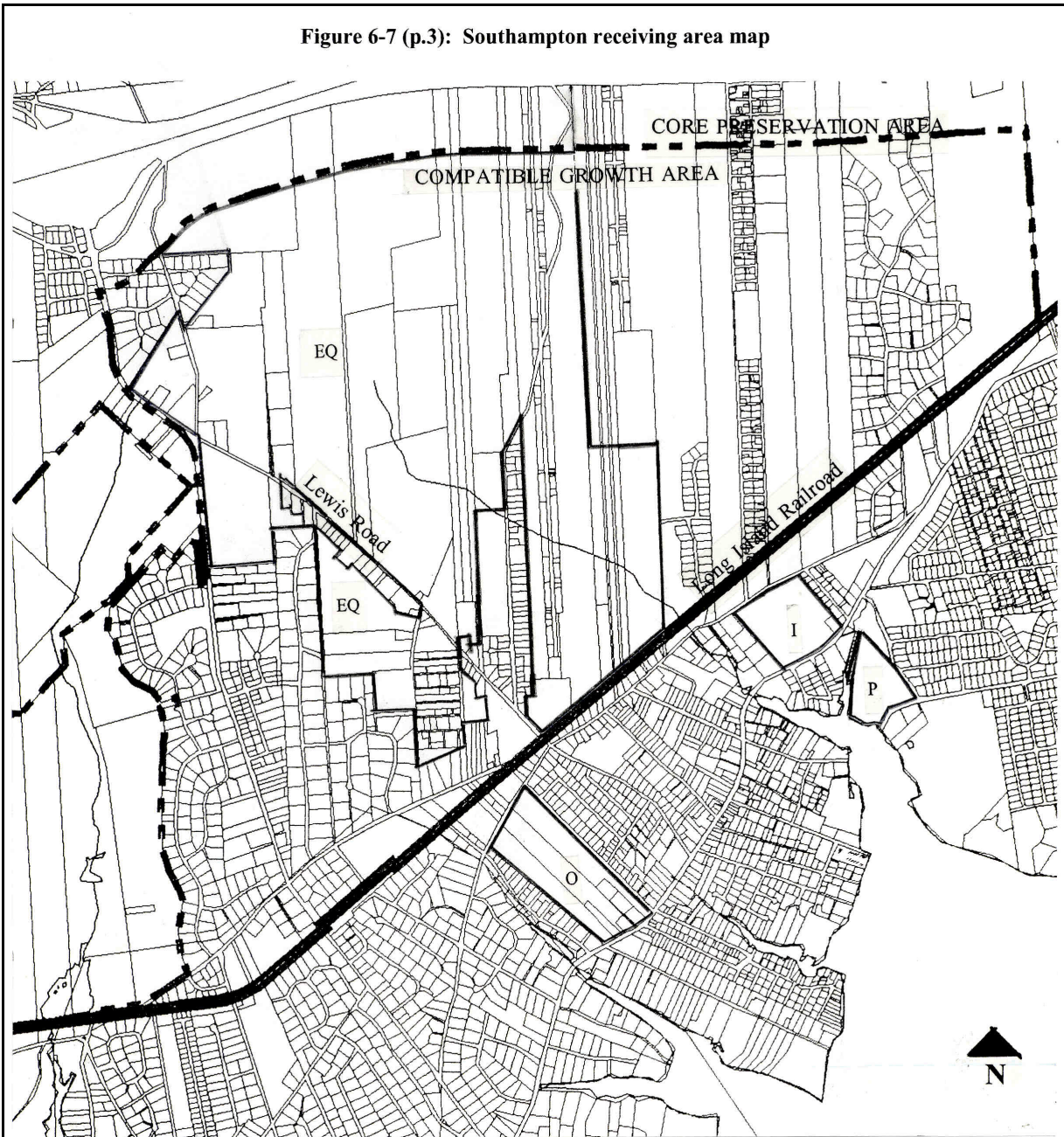


**Figure 6-7 (p.2): Southampton as of right receiving area map**





**Figure 6-7 (p.3): Southampton as of right receiving area map**



**Figure 6-7 (p.4): Southampton as of right receiving area map**

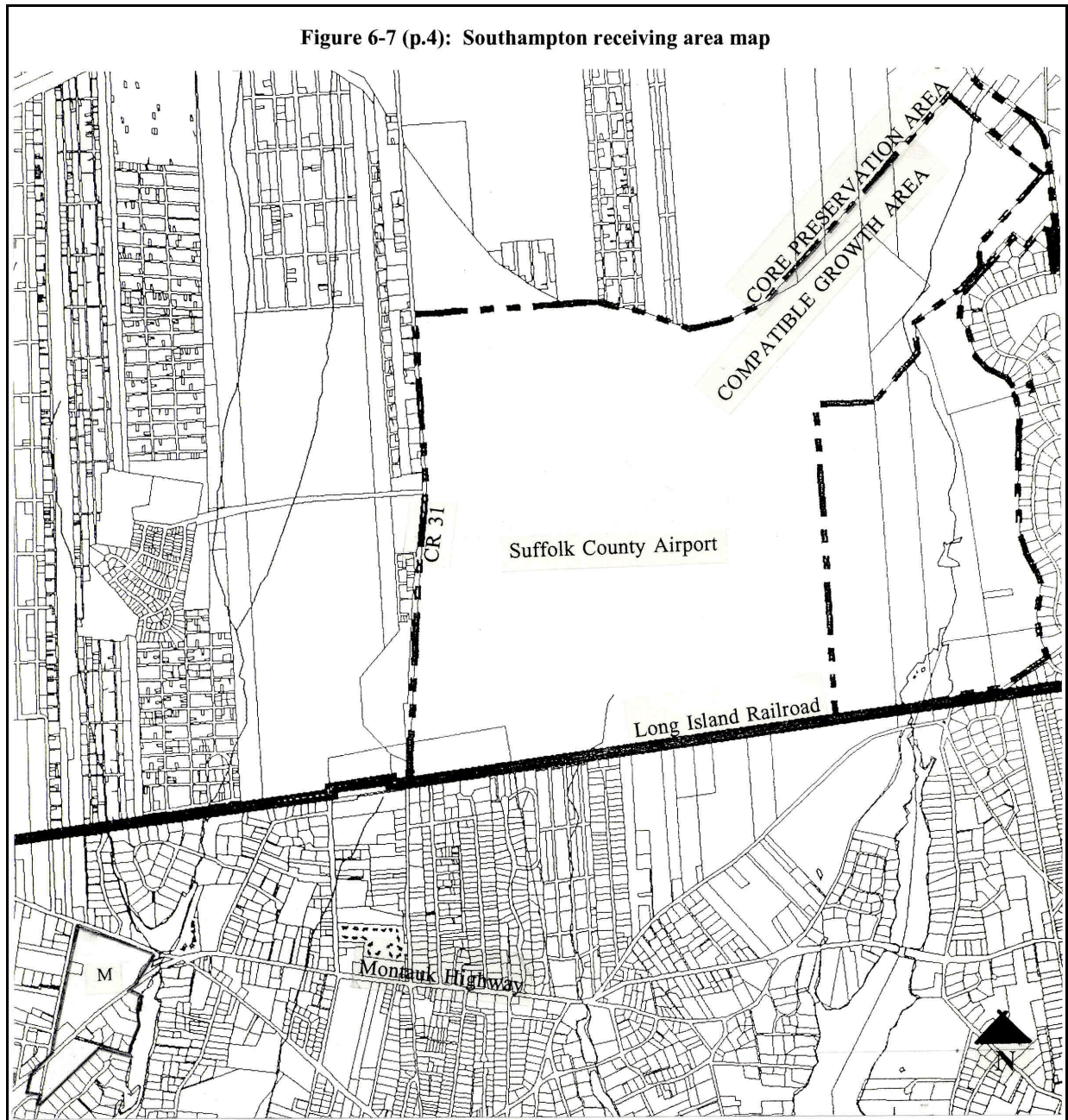
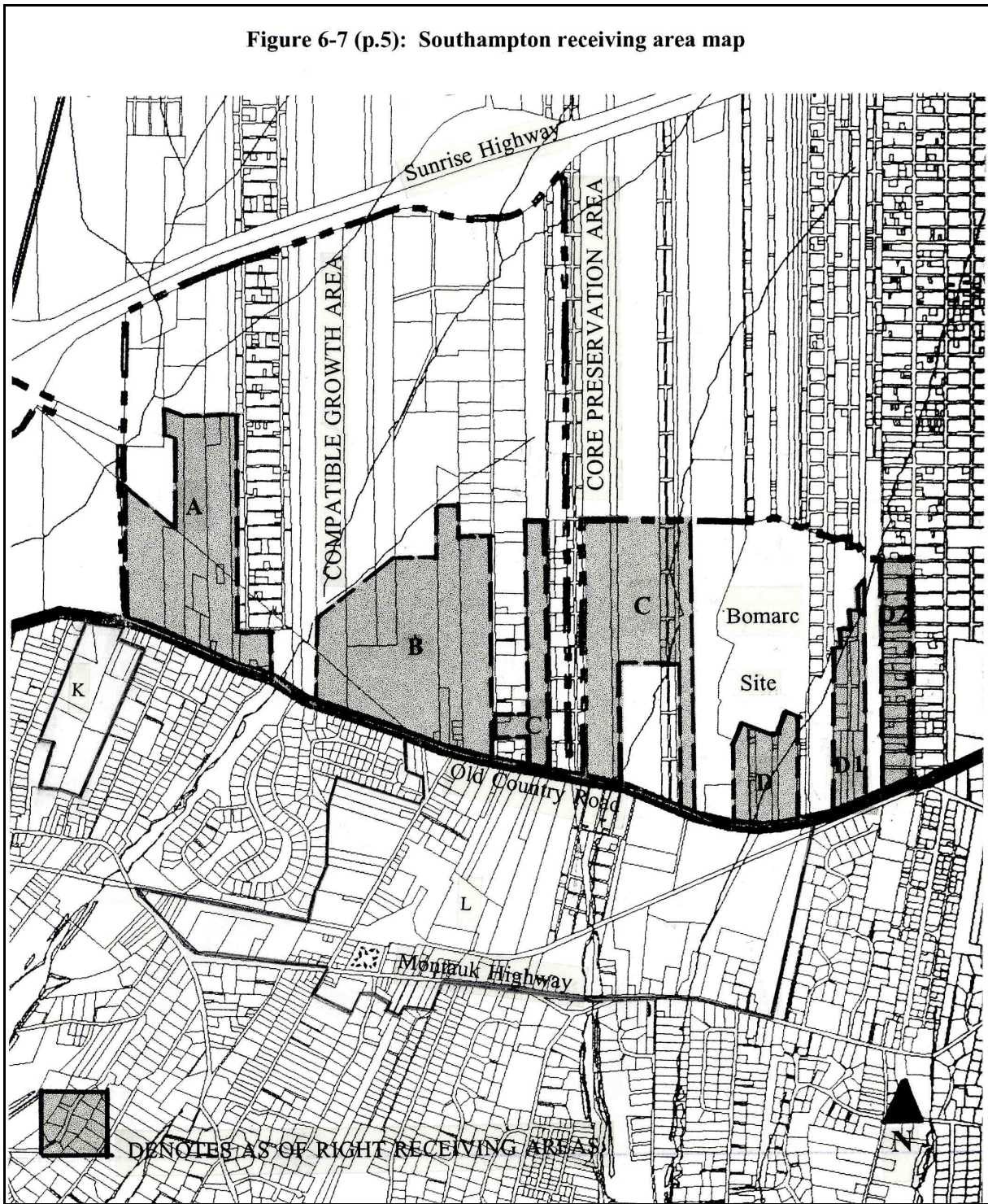


Figure 6-7 (p.5): Southampton as of right receiving area map



**Figure 6-8: Southampton receiving area parcels**

*(All parcels which are within the receiving areas are listed here, regardless of their current land use.)*

Receiving Area	Tax map number	Acreage	Receiving Area	Tax map number	Acreage
<i>Riverhead school district</i>					
E	900-139-3-10.2	12.5	E	900-141-1-9.2	35
<i>Hampton Bays school district</i>					
2	900-221-3-12.1	12.5	3	900-205-3-12.1	16.3
2	900-221-3-16.1	7.6	J	900-225-1-1	33.5
2	900-221-3-18	2.5	J	900-225-1-21	3.5
<i>Eastport school district</i>					
A	900-325-1-2.2	26.0	A	900-325-1-8.2	17.4
A	900-325-1-3.2	11.8	A	900-325-1-34.1	5.3
A	900-325-1-4.2	5.6	A	900-325-1-47.1	1.2
A	900-325-1-6.3	1.5	B	900-326-1-3.2	5.5
A	900-325-1-7.3	12.0	B	900-326-1-5.2	6.3
<i>Speonk-Remsenburg school district</i>					
A	900-325-1-3.1	6.0	B	900-326-1-p/o 5.1	55.5
A	900-325-1-4.1	15.7	B	900-326-1-p/o 6	22.9
A	900-325-1-p/o 7.2	16.4	B	900-326-1-10	36.7
A	900-325-1-p/o 8.1	5.6	B	900-326-1-p/o 17	7.8
A	900-325-1-43	2.3	C	900-276-3-p/o 1	36
B	900-326-1-p/o 3.1	8.8	C	900-327-1-p/o 6	28.9
B	900-326-1-p/o 4	8.4	C	900-328-1-4	3.3

**Figure 6-8 (p.2): Southampton receiving area parcels**

*(All parcels which are within the receiving areas are listed here, regardless of their current land use.)*

Receiving Area	Tax map number	Acreage	Receiving Area	Tax map number	Acreage
<b>Westhampton Beach school district</b>					
C	900-305-1-7 (ofm)	1.6	D2	900-331-3-1 (ofm)	1.93
C	900-329-1-1	1.49	D2	900-331-3-2 (ofm)	1.93
C	900-329-1-2	1.49	D2	900-331-3-5	1.84
C	900-329-1-3	1.49	D2	900-331-3-6 (ofm)	1.93
C	900-329-1-4	0.69	D2	900-331-3-7 (ofm)	0.96
C	900-329-1-6	0.57	D2	900-331-3-8 (ofm)	0.96
C	900-329-1-p/o 10	20.2	D2	900-331-3-9	1.33
D	900-330-2-11	8.2	D2	900-331-3-12 (ofm)	0.96
D	900-330-2-14.1	3.2	D2	900-331-3-14 (ofm)	0.64
D	900-330-2-16.2	10.5	D2	900-331-3-16 (ofm)	1.61
D1	900-331-2-4 (ofm)	1.26	D2	900-331-3-17	1.41
D1	900-331-2-7 (ofm)	2.30	D2	900-331-3-28 (ofm)	1.70
D1	900-331-2-8 (ofm)	1.12	D2	900-331-3-29 (ofm)	1.79
D1	900-331-2-9 (ofm)	1.49	D2	900-331-3-31 (ofm)	1.93
D1	900-332-2-1 (ofm)	1.15	D2	900-332-3-3 (ofm)	1.93
D1	900-332-2-2 (ofm)	0.92	D2	900-332-3-6 (ofm)	0.54
D1	900-332-2-3 (ofm)	0.92	D2	900-332-3-7 (ofm)	0.96
D1	900-332-2-4 (ofm)	1.72	D2	900-332-3-8 (ofm)	0.96
D1	900-332-2-5	3.20	D2	900-332-3-9 (ofm)	1.93
D1	900-332-2-6	2.5	D2	900-332-3-10 (ofm)	2.30
D1	900-332-2-7	2.5	D2	900-332-3-11 (ofm)	0.96
D1	900-332-2-10	5	D2	900-332-3-12 (ofm)	0.90
			D2	900-332-3-13 (ofm)	1.70
			D2	900-332-3-15 (ofm)	1.93

*Note:  
"ofm" indicates an "old filed map" parcel.*

#### **6.4.5 Suffolk County Sanitary Code**

The Suffolk County Health Department has ~~proposed amendments~~ amended to Article 6 of the Suffolk County Sanitary Code to permit the Department of Health to perform functions heretofore performed by the Board of Review. Insofar as it applies to the Central Pine Barrens, this amendment should be applied so as to facilitate implementation of each town's Pine Barrens Credit program in accordance with this Plan and should sunset no later than the date when the last Pine Barrens Credit allocated in that town is extinguished unless the Commission endorses an earlier sunset date during the five year Plan update as provided in 57-0121(13). Each town, in its Findings Statement, may designate a more restrictive standard, i.e., less than 600 gallons per day per acre.

### **6.5 Pine Barrens Credit use planning**

#### **6.5.1 Amendment of zoning and land use regulations**

In order for a town to comply with ECL Section 57-0123, it must amend its land use and zoning regulations to conform to this Plan within three (3) months of the Commission's adoption of this Plan. Such amendments shall include the final adoption by each town of a Planned Development District ordinance designed to accommodate Pine Barrens Credits. Each town shall propose a draft Planned Development District ordinance by June 30, 1995.

#### **6.5.2 Establishment of a receiving capacity plan by each town**

Each town shall, within three (3) months of the Commission's adoption of this Plan, submit a plan to the Commission demonstrating the manner in which each town will identify Pine Barrens Credit uses of sufficient quantity and quality within such town to accommodate at least two and one half (2.5) times the number of Pine Barrens Credits available for allocation within the town at that time.

##### **6.5.2.1 One to one receiving capacity to sending credit ratio requirement**

Each town shall include enough absorption capacity in receiving districts that meet the as of right definition set forth in Section 6.4 of this Plan so as to absorb all of the Pine Barrens Credits on a one to one (1:1) ratio that the Commission estimates it may allocate in that town pursuant to this Plan. The Commission recognizes that a change in zoning upon a town board's own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit program.

##### **6.5.2.2 Review by the Commission of the absorption capacity estimates**

Each town shall present to the Commission its best estimate of the number of Pine Barrens Credits that could be transferred to, and absorbed in, its as of right Residential Overlay Districts, Planned Development Districts, or other kinds of receiving districts, or through incentive zoning strategies with a supporting analysis. The Commission shall review, and then confirm or modify, such estimates based upon the best evidence available to it. In reviewing and approving this plan, the Commission shall consider each town's compliance with Section 6.5.2 of this Plan based upon such estimates.

### **6.5.3 Establishment of additional receiving districts**

In addition to the receiving districts identified above and the approaches identified by each town for adding additional receiving districts, each town may adopt additional receiving districts to accommodate Pine Barrens Credits as set forth below:

#### **6.5.3.1 Planned Development Districts**

The following policies shall apply to the use of Planned Development Districts for the redemption of Pine Barrens Credits.

##### **6.5.3.1.1 Designation of Planned Development Districts as receiving districts**

Each town may designate receiving districts that are Planned Development Districts (PDDs). Each PDD shall be mapped by the municipality, or otherwise designated by criteria that the town describes in its PDD regulations. Pine Barrens Credits may be redeemed for residential, commercial and other uses in PDDs. Each plan or scheme must include a redemption schedule, a table of densities or a change of use schedule, as appropriate.

##### **6.5.3.1.2 Requirements of the Suffolk County Sanitary Code**

Each PDD must conform to the requirements of the Suffolk County Sanitary Code.

##### **6.5.3.1.3 Regulations regarding the timing of development**

Each town may establish regulations regarding the timing of development within each PDD in order to minimize any adverse fiscal impacts on any taxing jurisdiction, except that any such phasing should not apply to any development allowed under existing zoning. To offset the impact of residential development, commercial and industrial development should occur first whenever possible.

##### **6.5.3.1.4 Inclusion of Planned Development District capacity within townwide Pine Barrens Credit absorption capacity estimate**

A town may include the absorption capacity of its Planned Development Districts as part of the plan that must be submitted to the Commission under section 6.5.2 above by estimating the number of Pine Barrens Credits that it reasonably expects may be absorbed in its PDDs. However, the estimate must be based upon a local PDD ordinance that shall have been fully adopted in final form within three (3) months of the Commission's adoption of this Plan.

### **6.5.3.2 Residential Overlay Districts**

The following policies shall apply to the use of Residential Overlay Districts for the redemption of Pine Barrens Credits.

#### **6.5.3.2.1 Designation of additional Residential Overlay Districts as receiving districts**

Each town may establish additional receiving districts that are residential overlay districts (RODs) within the town.

#### **6.5.3.2.2 Requirements for designation of additional Residential Overlay Districts**

Each ROD shall be mapped or otherwise designated based on objective geographic criteria.

#### **6.5.3.2.3 Criteria for restricting locations of Residential Overlay District density increases**

No ROD may include any land within the Core Preservation Area or any Critical Resource Area.

#### **6.5.3.2.4 Types of projects in which the Residential Overlay District increase applies**

The ROD yield would apply to subdivisions, land divisions, flag lot clusters, and mother and daughter units.

#### **6.5.3.2.5 Requirements of the Suffolk County Sanitary Code**

The ROD must conform to the requirements of the Suffolk County Sanitary Code.

#### **6.5.3.2.6 Prohibition of unreasonable school district burdens**

Redemption of Pine Barrens Credits in RODs may not produce an unreasonable burden on the receiving school district.

#### **6.5.3.2.7 Inclusion of the Residential Overlay Districts' capacity within the townwide Pine Barrens Credit absorption capacity estimate**

A town may include the absorption capacity of its RODs as part of the plan that must be



submitted to the Commission under Section 6.5.2.1 of this Plan only if the ROD meets the definition "as of right" set forth above.

### **6.5.3.3 Incentive Zoning districts**

The following policies shall apply to the use of Incentive Zoning Districts for the redemption of Pine Barrens Credits.

#### **6.5.3.3.1 Designation of receiving districts pursuant to incentive zoning or municipal home rule laws**

Each town may establish receiving districts pursuant to the incentive zoning provisions contained in New York Town Law Section 261-b or pursuant to New York Municipal Home Rule Law. Pine Barrens Credits may be redeemed for a change in land use, or an increase in intensity or density in such receiving districts.

#### **6.5.3.3.2 Requirements for incentive zoning or municipal home rule receiving districts**

For each incentive zoning district designated under Section 6.5.3 of this Plan, the town shall establish a redemption schedule, a table of densities or a change of use schedule, as appropriate. Pine Barrens Credits shall be redeemable in accordance with the specified incentive zoning for each receiving district designated. Upon application to the appropriate jurisdiction(s), additional Pine Barrens Credits may be used to exceed the incentive zoning of a receiving district with the redemption of these additional Pine Barrens Credits.

#### **6.5.3.3.3 Requirements of the Suffolk County Sanitary Code**

Each incentive zoning district must conform to the requirements of the Suffolk County Sanitary Code.

#### **6.5.3.3.4 Increases above incentive zoning**

As part of its incentive zoning ordinance, a town may provide that any additional increases over and above that provided by the incentive zoning schedule may be conditional upon the purchase of additional Pine Barrens Credits.

### **6.5.3.4 Additional Overlay Districts, Special Permit Uses or Special Exemption Uses**

Additional overlay districts, special permit uses, or special exemption uses may be adopted by the towns to accommodate Pine Barrens Credits.

## **6.5.4 Intermunicipal redemptions of Pine Barrens Credits**

Intermunicipal redemption of Pine Barrens Credits is defined as the redemption of Credits within a town or village within Suffolk County other than the one from which it was generated. Such intermunicipal redemptions may, in some instances, involve the redemption of Pine Barrens Credits in municipalities outside the Central Pine Barrens area. Intermunicipal redemptions include, but are not limited to, the redemption of Credits in satisfaction of the requirements of the Suffolk County Department of Health Services anywhere within that Department's jurisdiction.

It is the policy of the Commission to encourage intermunicipal redemptions of Pine Barrens Credits as long as the redemption is in conformance with the zoning of the receiving area. In all cases, however, the redeeming entity for intermunicipal Credit redemptions shall forward to the Commission office as soon as practicable following the redemption the original Credit Certificate with the reverse side of the Credit Certificate completed with the required redemption information.

### **6.5.5 Permanency of Pine Barrens Credit Redemptions**

Each and every redemption of any quantity of Pine Barrens Credits shall be permanent and irrevocable, and shall be permanently and irrevocably associated with a specific tract of real estate identified by its Suffolk County Real Property Tax Map parcel identifier(s). No Pine Barrens Credit redemption shall be in any manner considered or interpreted as being temporary, defined only for a discrete time period, or otherwise less than permanent. In the event that the Suffolk County Real Property Tax Map parcel identifier(s) for a redemption parcel(s) should change in the future, the Pine Barrens Credits redemption(s) on the original parcel shall continue to be permanently and irrevocably associated with the same tract of land encompassed by the original parcel identifier(s) despite the change(s) in the parcel(s) identification(s).

### **6.5.6 Redemption of Pine Barrens Credits within the Core Preservation Area prohibited**

Section 57-0121(6)(f) of the Act specifically states, in part, that the Plan shall provide for *"Identification of sending districts in core preservation and compatible growth areas and receiving districts in compatible growth areas and outside the Central Pine Barrens area for the purpose of providing for the transfer of development rights and values to further the preservation and development goals of the land use plan ..."*

In addition, the goals of the Plan as stated in the Act require that the Plan, with respect to the Core Preservation Area, shall be *"... designed to protect and preserve the ecologic and hydrologic functions of the Pine Barrens by ... prohibiting or redirecting new construction or development; ..."* (Section 57-0121(3)(c)) and, with respect to the Compatible Growth Area, shall be designed to *"... accommodate a portion of development redirected from the preservation area ..."* (Section 57-0212(4)(e)).

Consequently, redemption of Pine Barrens Credits on properties and parcels within the Core

Preservation Area by any entity shall be prohibited.

## **6.6 Establishment of the Pine Barrens Credit Clearinghouse and the Board of Advisors**

The Commission finds that in order to implement the Pine Barrens Credit Program, steps must be taken to promote the use and sale of the Pine Barrens Credits established under the program and that the best means of providing this assurance is through the establishment of a Pine Barrens Credit Clearinghouse that will purchase, sell, and track Pine Barrens Credits. The Commission further finds that it is appropriate to establish a board to perform the functions of a clearinghouse, subject to the provisions set forth below.

### **6.6.1 Structure and operation of the Board of Advisors**

The Pine Barrens Credit Clearinghouse, referred to as the "Clearinghouse", shall be governed by a Board of Advisors (the "Board") consisting of five (5) members. Each ex officio member of the Commission, and the Governor, shall each appoint one (1) member of the Board. The members of the Board shall serve without compensation. The Commission shall appoint one (1) of these five members as Chairperson of the Board and shall also appoint one (1) other member as a Vice-chair. Four (4) members of the Board shall constitute a quorum for the transaction of services or the exercise of any Board function. An affirmative vote of three (3) or more Board members shall be required to pass a resolution or exercise a function of the Board.

### **6.6.2 Authority of the Board of Advisors** *(amended 5/16/12)*

The Board shall have the authority:

- 6.6.2.1 To advise and make recommendations to the Commission as to the monetary value of Pine Barrens Credits to be purchased by the Clearinghouse.
- 6.6.2.2 To purchase Pine Barrens Credits from owners of eligible sending area parcels which have received Credits and from successive owners of Credits to further the objectives of the Pine Barrens Protection Act. *(amended 5/16/12)*
- 6.6.2.3 To sell, exchange or convey Pine Barrens Credits previously purchased by the Clearinghouse to entities willing to purchase such Pine Barrens Credits from the Clearinghouse, and to establish the monetary value of those Pine Barrens Credits which are sold by the Clearinghouse.
- 6.6.2.4 To adopt and, from time to time, amend and repeal suitable bylaws for the management of its affairs;
- 6.6.2.5 To apply for, receive, accept, and utilize, with the approval of the Commission, from any federal, state, or other public or private source, grants or loans for, or in aid of, the Board's authorized purposes;
- 6.6.2.6 To utilize funds allocated for Clearinghouse purposes and to implement appropriate fiscal and accounting practices;

- 6.6.2.7 To appoint such officers, employees and agents as the Board may require for the performance of its duties;
- 6.6.2.8 To call to its assistance, and to avail itself of the services of, employees of any state, county or municipal department, board, commission or agency as may be required and may be made available for these purposes;
- 6.6.2.9 To issue Letters of Interpretation (LOIs) to owners of eligible sending area parcels, and to establish appropriate administrative procedures for such issuance, including, but not limited to, defining what documentation is acceptable for LOI application information.  
*(amended 5/16/12)*

## **6.7 Pine Barrens Credit Certificates**

The following procedures shall apply to the issuance of Pine Barrens Credit Certificates by the Clearinghouse.

### **6.7.1 Issuance of Pine Barrens Credit Certificates by the Clearinghouse**

All Pine Barrens Credit Certificates shall be issued by the Clearinghouse.

### **6.7.2 Overview of the issuance procedure**

Issuance of a Pine Barrens Credit Certificate encompasses the following three steps:

1. A property owner obtains a Letter of Interpretation from the Clearinghouse stating the number of Pine Barrens Credits allocated to the parcel of land.
2. The property owner applies to the Clearinghouse for a Pine Barrens Credit Certificate by submitting a valid Letter of Interpretation, a standard title report, and other necessary documents as determined by the Clearinghouse.
3. A Pine Barrens Credit Certificate is issued when the Clearinghouse receives proof of filing and recording of the conservation easement from the title insurance company.

### **6.7.3 Detail of Step 1: Obtaining a Letter of Interpretation**

The Clearinghouse will utilize a current survey made in the last ten (10) years, if such a survey is available and provided, to establish the acreage figure to be utilized in the formula determining Credit allocation. If such a survey is available, the survey's acreage figure shall be used, regardless of the acreage shown on the tax bills. If such a survey is unavailable, the acreage figure will be obtained from the publicly available tax bill information.

- 6.7.3.1 A property owner requests a Letter of Interpretation on a form to be supplied by the Clearinghouse.

- 6.7.3.2 The Clearinghouse staff may conduct an analysis of the property and will allocate Pine Barrens Credits based upon the allocation formula and any unique features of a particular parcel of land. The Clearinghouse staff mails the Letter of Interpretation to the property owner.
- 6.7.3.3 The property owner has thirty (30) days from the date of the Letter of Interpretation to appeal the allocation to the Commission in writing. Extensions of this deadline for filing an appeal may be granted at the Commission's discretion upon written request of the property owner. *(amended 5/16/12)*
- 6.7.3.4 The Commission shall consider the written appeal request within a timeframe of sixty (60) days or by the end of two consecutive regularly scheduled Commission meetings, whichever date comes first after the ~~of~~ receipt of an appeal, and may shall schedule and hold a hearing within that period of time. The appellant shall be given an opportunity to present arguments and relevant material at the hearing.
- 6.7.3.5 After the appeal hearing, the ~~The~~ Commission shall decide the appeal within a timeframe of sixty (60) days or by the end of two consecutive regularly scheduled Commission meetings, whichever date comes first, receipt of the appeal the appeal hearing, and may seek the advice of the Clearinghouse Board. The Commission may confirm, increase, or decrease the allocation to be received from the Clearinghouse. A new Letter of Interpretation containing the Commission's final allocation(s) to the subject parcel(s) will be issued following such a decision.

#### **6.7.4 Detail of Step 2: Applying for a Pine Barrens Credit Certificate** *(amended 5/16/12)*

- 6.7.4.1 After receiving a Letter of Interpretation, a property owner may request a Pine Barrens Credit Certificate from the Clearinghouse by submitting:
1. The Letter of Interpretation, and
  2. A title report, and
  3. A completed Pine Barrens Credit Certificate Application Form, which shall be supplied by the Clearinghouse. *(amended 5/16/12)*
- 6.7.4.2 If the title report indicates that the applicant does not have marketable title, that the applicant is not qualified to encumber the property with a conservation easement, or that there are liens on the property, a Pine Barrens Credit Certificate may not be issued until these matters are resolved by the applicant.
- 6.7.4.3 The Clearinghouse will provide to the applicant a conservation easement to sign once ~~clear~~ accepted title has been established to the satisfaction of the Clearinghouse. *(amended 5/16/12)*
- 6.7.4.4 The Commission will issue, and update as necessary, a policy on titles and title insurance for use by the Clearinghouse. *(amended 5/16/12)*

#### **6.7.5 Detail of Step 3: Recording a conservation easement and obtaining a Pine Barrens Credit Certificate**

- 6.7.5.1 The conservation easement may not be recorded until all title issues are resolved and Clearinghouse staff has approved the conservation easement as to its form.
- 6.7.5.2 The Clearinghouse will issue a preliminary approval concerning the title report and the proposed conservation easement.
- 6.7.5.3 The conservation easement will then be recorded with the Suffolk County Clerk, and a copy of it submitted along with proof of its recording, to the Clearinghouse. The title report must be updated to ensure that there has been no conveyance of the property since the report was received and that no liens have been placed upon the property. *(amended 5/16/12)*
- 6.7.5.4 The Clearinghouse will then issue a Pine Barrens Credit Certificate certifying that the holder of the Certificate is entitled to a specified number of Pine Barrens Credits.

## **6.7.6 Other provisions relating to the issuance of Pine Barrens Credit Certificates**

### **6.7.6.1 Expiration of the Letters of Interpretation** *(amended 5/16/12)*

A Letter of Interpretation shall expire three(3) years following its issuance. A property owner is not required to apply for a Pine Barrens Credit Certificate upon receipt of a Letter of Interpretation. However, if such application is not made within three(3) years, the Letter of Interpretation will expire and the property owner will be required to reapply for a new Letter of Interpretation. *(amended 5/16/12)*

### **6.7.6.2 Delayed issuance of a Pine Barrens Credit Certificate**

After receipt of a Letter of Interpretation, a property owner may seek to negotiate the sale of the Pine Barrens Credits described in the letter, and delay obtaining the Pine Barrens Credit Certificate until after reaching an agreement with a prospective buyer of the Pine Barrens Credits.

### **6.7.6.3 Notification of the Clearinghouse of Pine Barrens Credit usage** *(amended 5/16/12)*

A Pine Barrens Credit Certificate shall state that the recipient of the certificate and any party purchasing the Pine Barrens Credits described in the certificate must notify the Clearinghouse of any transaction involving the sale of the Pine Barrens Credits or utilization of the Pine Barrens Credits as security for a loan. The original Certificate must be sent to the Clearinghouse when all or any portion of the Credits associated with that Certificate are conveyed, transferred, or sold prior to redemption. The Clearinghouse shall then issue one or more new Certificate(s), as appropriate, in the name(s) of the new Credit owner(s). *(amended 5/16/12)*

### **6.7.6.4 Tax status of the subject property**

No Pine Barrens Credit Certificates shall be issued for any parcel of land until all real property taxes and ad valorem levies have been paid in full as certified by the town's tax receiver.

#### **6.7.6.5 Liability for real property taxes on subject property**

If a transferor of Pine Barrens Credits owns Pine Barrens Credits on the tax status date under the Suffolk County Tax Act, and such Pine Barrens Credits are transferred subsequent to the tax status date, the transferor shall be liable for all real property taxes on such property from the tax status date until the date of transfer of the Pine Barrens Credits.

#### **6.7.6.6 Issuance of a full Pine Barrens Credit for certain roadfront parcels** *(amended 5/16/12)*

The Pine Barrens Credit Clearinghouse may elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing public improved road. Parcel frontage on the main lines (as opposed to any improved service roads) of Sunrise Highway (NY State Route 27), the Long Island Expressway (Interstate 495), and similarly limited access highways shall not qualify a parcel for this provision. Therefore, such parcel will not be eligible to receive one (1) full Pine Barrens Credit but will instead receive an allocation pursuant to Section 6.3.1.

#### **6.7.6.7 Minimum Pine Barrens Credit allocation** *(amended 5/16/12)*

No fewer than 0.10 (one tenth) Pine Barrens Credit shall be allocated by the Clearinghouse or the Commission for any parcel of land which is eligible for a Credit allocation, regardless of its size or road accessibility.

#### **6.7.6.8 Issuance of Pine Barrens Credits to a Parcel with a Land Use Violation**

No Pine Barrens Credits shall be issued for any property where land use conduct has occurred or is occurring that violates the Act, this Plan, any regulation promulgated by the Commission, or any order, determination or permit condition issued by the Commission.

#### **6.7.6.9 Transactions involving Pine Barrens Credits**

Pine Barrens Credits that are involved in any transaction, whether it involves the selling, buying, redeeming or conveying of Pine Barrens Credits, must be rounded up to the nearest one hundredth (1/100 = 0.01) of a Pine Barrens Credit and the final sum of all Credits involved in the transaction shall not exceed the total Credit value of the original Credit Certificate(s) involved in the transaction.

### **6.8 Registry, Reports, and Other Publicly Accessible Information for Pine Barrens Credits** *(amended 5/16/12)*

#### **6.8.1 Establishment and maintenance of the Pine Barrens Credit Registry** *(amended 5/16/12)*

The Board shall establish and maintain a registry of Pine Barrens Credits and a publicly available set of reports, which shall include, at a minimum, the following information:

1. The name, property, contact, and address of every owner to whom a Pine Barrens Credit certificate is issued pursuant to the Plan, the date of its issuance, the tax district, section, block and lot identification of the parcel of land to which the Pine Barrens Credit has been assigned, the number of Pine Barrens Credits or fraction thereof assigned to each parcel, the total number of Pine Barrens Credits assigned, and the total acreage to which Pine Barrens Credits have been assigned, and
2. The name and address of every person to whom a Pine Barrens Credit is sold or otherwise conveyed, the date of the conveyance, and the consideration, if any, received therefore, and
3. The name and address of any person who pledged a Pine Barrens Credit as security on any loan or other obligation, and the name and address of the lender, and
4. The name and address of any person who has sold or otherwise transferred a Pine Barrens Credit, the purchaser(s) to whom the Pine Barrens Credit was transferred, and the date of the sale; and
5. A record of every redemption of a Pine Barrens Credit including, at a minimum, the person(s) redeeming the Credit(s), the tax district, section, block and lot identification of the parcel(s) of land on which the Credits have been redeemed, the school district(s) from which and to which the transfer occurred, the redeeming agency, and the date of redemption; and
6. The total number of Pine Barrens Credits purchased and transferred. This report shall list the municipality and school district of each tract of land for which Pine Barrens Credits were issued and the municipality and school district to which the Pine Barrens Credits were transferred.

### **6.8.2 Notification of the Board of certain actions involving Pine Barrens Credits**

No person shall purchase or otherwise acquire, encumber, or sell any Pine Barrens Credit without notifying the Board in writing within ten business days thereof.

### **6.8.3 Distribution of the annual report** *(amended 5/16/12)*

The Board shall make available an annual report of the Pine Barrens Credit Program and the activities of the Board as part of the Commission's annual report required under ECL Article 57.

## **6.9 Municipal functions exclusive of state financial assistance**

Nothing in this section shall be construed to prohibit, or in any other way interfere with, the carrying out by any municipality of functions substantially similar to those described and



authorized in this Chapter of this Plan.

#### **6.10 Other development rights transfer programs**

Nothing herein shall serve to limit, affect or prohibit the establishment or continuance of any other municipal program for transferring or redirecting development rights.