

SUMMARY OF CLUP PARKING LOT ITEMS

Chapter 5 Preamble Excerpt and Summary

December 9, 2011

December 20, 2011 - updated with AC recommendations

Chapter 5: Standards for Land Use

General comments on the Chapter

- It is incumbent on an applicant to demonstrate compliance with Standards prior to a determination by the Commission.
- Within each Standard:
 - a. First reference compliance with other applicable regulations and requirements
 - b. Provide rationale where CLUP standards are more restrictive than other agency requirements.

Concern was expressed regarding timing of approval and that applicant will not be able to move forward if this standard is adopted.

Opinions were expressed that the Commission approval should be conditioned so that an applicant would be enabled to proceed and obtain permits from other agencies.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THE PROPOSAL AND COMMENTS RECOMMENDING THAT WITHIN EACH STANDARD THERE FIRST BE A REFERENCE PERTAINING TO COMPLIANCE WITH OTHER APPLICABLE REGULATIONS AND REQUIREMENTS. THE AC HAD NO RECOMMENDATION IN REGARD TO THE PROPOSAL THAT WITHIN EACH STANDARD A RATIONALE SHOULD BE PROVIDED WHERE THE CLUP STANDARDS ARE MORE RESTRICTIVE THAN OTHER AGENCY REQUIREMENTS.

Comments on Requirement that Approval be Conditioned on Applicants Submitting Final Permits from other Agencies

- New language was proposed to be added to many of the standards which would state that *“Compliance with this standard shall only be determined to exist by the Commission upon receipt of final, official copies of all New York State Department of Environmental Conservation and municipal permit(s) and satisfaction of any conditions on such permits.”*

Suggestions included moving this proposed sentence to the beginning of Chapter 5 so that it would apply to the entire Chapter 5 or modifying it so that it would refer only to non-conforming projects under Commission review (i.e. only those projects requiring a Commission Hardship Waiver), not the majority of CLUP-conforming projects seen only by the Towns.

Other comments expressed concern that this new sentence could cause a default approval in some cases.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION ADD LANGUAGE TO THE CLUP THAT THE COMMISSION'S VOTE OF APPROVAL FOR A PROJECT IS ESSENTIALLY A CONDITIONAL APPROVAL