

Central Pine Barrens Commission Proposed CLUP Amendment Review

*Town of Riverhead November 19, 2014 Comments Based on Review of CLUP BINDER dated September 30, 2014
and Results of December 10, 2014 Meeting between Town of Riverhead and Commission Staff*

| Chapter | Page | Section # | Title | Riverhead Town Comments | CPBC Staff Comments and Results of 12/10/14 Meeting |
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| Ch. 4 | 2 | 4.3.1. | Complete Application | "Supervisor questions need for a commission vote" | <i>Will delete and remove proposed new completeness language and will retain existing 1995 language.</i> |
| | 2 | 4.3.1.(d) | Complete Application | "Jeff requests option to use short form Environmental Assessment" | <i>Standard operating procedure. This is part of existing CGA Hardship Application Package. LEAF is actually mostly fill-ins and check-offs so not difficult to complete. Also, as applications received by the Commission for its review are generally more problematic and usually more complex, this ensures thoroughness. Riverhead agreed to retain LEAF.</i> |
| | 3 | 4.3.5.1. | Interpretation of Non-development provision 57-0107(13)(xiii) | "Confusing text" | <i>Subparagraph xiii in ECL Article 57 states that the following is non-development: "in the compatible growth area, land divisions or subdivision in the compatible growth area consisting of five or fewer residential lots which conform to the lot area requirement of the existing zoning for the subject parcel." Proposed CLUP amendment language was taken straight from prior Commission resolution of 7/19/06 (see reso). Riverhead believes both the 7/19/06 reso and the suggested amendment should be brought to the Commission at the 1/21/15 CLUP Worksession for further discussion and possible clarification.</i> |
| | 3-4 | 4.3.6 4.3.7 4.3.8. | Central Pine Barrens, Core Preserv. Area Comp. Growth Area | "John P. rep that text was amended by May 16, 2012 resolution" | <i>Correct - See 5/16/12 resolution and attachments. Riverhead acknowledged and accepted. Text will remain.</i> |

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| | 4 | 4.3.9. | Project Site | “Should reference 9.2 as an exclusion” | <i>Riverhead agreed that this is an issue for Commission discussion and determination.</i> |
| | 4 | 4.3.10 | Self-Heal Restoration, Self-Restoration or Auto Restoration | “Jeff requests substitution of ‘auto’ to ‘natural’ (especially since auto may be misconstrued as automobile)” | <i>Natural may imply active planting with native or natural species and does not indicate that human intervention is not required. Riverhead agreed that the word “auto” would be removed but all other text would remain.</i> |
| | 4 | 4.3.11 | Tall Structure | “Tall Structures-75 feet? Omit?” | <i>It was noted that the Commission agreed to keep this section by increasing the height from 50’ to 75’ and limiting jurisdictional review to public entities. (See 7/16/14 worksession notes). However, Riverhead now believes this may impact EPCAL. Riverhead agreed that this is an issue for Commission discussion and determination.</i> |
| | 4-5 | 4.4.1 4.4.2 4.4.3 4.4.4 4.4.5 | Develop. In Core Non-conform. Develop. Assertions development CRA development DRSs Review Procedures | “Need reference to 9.2 exclusion” | <i>Riverhead agreed that this is an issue for Commission discussion and determination</i> |
| | .6 | 4.5.1.3 | Core Development: Hearing | “Will appl be voted on to deem complete? If so, this section inconsistent.” | <i>Existing language in original 1995. With deletion of proposed completeness language in 4.3.1, Riverhead agreed this is moot.</i> |
| | 6 | 4.5.2. | Development in the CGA which does not conform to the standards... | “Why is overstrike language being removed?” | <i>Riverhead is correct, stricken language which pertains to guidelines should remain because guidelines are being retained and are not applicable to standard hardships</i> |
| | 6 | 4.5.2.1. | Non-conforming development: Filing of an application | “Reference to ‘business days’ inconsistent with 4.5.1.3.;4.5.2.2.-6.” | <i>Will delete and remove proposed new completeness language. Will retain existing 1995 language. With deletion of this and proposed completeness language in 4.3.1, Riverhead agreed this issue is now moot.</i> |

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| | 8 | 4.5.2.6. | Non-conforming development: Decisions, default decisions and extensions of decisions | “When is appl deemed compete See 4.5.1.3.” | <i>The language Riverhead referenced is existing language from original 1995 CLUP. With deletion of proposed completeness language in 4.3.1 and 4.5.2.1., Riverhead agreed this issue is moot</i> |
| | 22 | 4.5.4.2. | CRA Development: Review Standards | In Supervisor Comment draft text- is overstrike, binder-underscored | <i>Riverhead is correct, stricken language which pertains to guidelines should remain because guidelines are being retained and are not applicable to standard hardships. However, Riverhead agreed amendment to title will be advanced</i> |
| | 22 | 4.5.5. | DRSs located within the CGA | Need to exclude 9.2 Calverton Redevelopment... | <i>Riverhead agreed that this is an issue for Commission discussion and determination</i> |
| | 24 | 4.5.5.2. | DRS Development: Review Standards | Proposed amendments are pre-existing | <i>Riverhead is correct – should remove underline as this is existing 1995-era text. However, Riverhead agreed that new title should be advanced and should remain as underline.</i> |
| | 24 | 4.5.6. | Adoption of sense resolutions by the Commission for development projects | Confirm this section was previously adopted on May 16, 2012 | <i>Correct - See 5/16/12 resolution and attachments. Riverhead acknowledged and accepted.</i> |
| Ch. 5 | | | | | |
| | 5 | 5.3.3.1.5. | Nitrate-nitrogen guideline | Supervisor opposes | <i>The Commission agreed to this amendment (see notes from 4/17/13 and 8/21./13 worksessions.) However, Riverhead now opposes due to potential impacts on EPCAL and has cited Section 9.2. Changing the word “goal” to a word which is imperative was also discussed during the 12/10/14 meeting.</i> |
| | 7 | 5.3.3.4.1 | Non-disturbance buffers | Supervisor opposes-leave as guideline not standard (4-17-13 meeting) | <i>This was always a standard as per the 1995 CLUP, not a guideline. However, Riverhead now opposes due to potential impacts on EPCAL and has cited Section 9.2.</i> |

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| | 8-32 | 5.3.3.4.3 | Stormwater Recharge | "Supervisor opposition various provisions." | <i>Riverhead now opposes various provisions in these sections due to potential impacts on EPCAL and has cited Section 9.2.</i> |
| | | 5.3.3.4.4 | Reduction of Impervious Surfaces | | |
| | | 5.3.3.4.5 | Natural recharge, drainage and ponds | | |
| | | 5.3.3.5 | Stormwater Runoff | | |
| | | 5.3.3.6 | Coordinated design for open space, habitat and soil protection | | |
| | | 5.3.3.7 | Protection and Conservation of species and communities | | |
| | | 5.3.3.8 | Soils | | |
| | | 5.3.3.9 | Dark Sky Compliance | | |
| | | 5.3.3.10 | Reserved | | |
| | | 5.3.3.11 | Scenic, historic and cultural resources | | |
| Ch. 6 | | | | | |
| | 33 | 6.5.4 | Intermunicipal redemptions of Pine Barrens Credits | "Last paragraph confusing incl. 'applicable reverse side info'" | <i>Riverhead agreed to retain language based on explanation of how credit program functions. Will explore, with credit program staff, possible clarifications to process.</i> |
| | 34 | 6.5.5 | Permanency of Pine Barrens Credit Redemptions | "Omit last paragraph in total." | <i>See discussion of "credit lease concept" in Credit Clearinghouse minutes of 8/29/07 and 9/6/07. Riverhead agreed that possible clarifying language should be discussed at the January 21, 2015 worksession.</i> |
| | 34 | 6.5.6 | Redemption of Pine Barrens Credits within the Core Preservation area prohibited | "Option for credit usage for increased sanitary flow; omit last par." | <i>Commission decisions discourage transfer of Pine Barrens Credits into the Core (see APS reso of 7/21/10). Riverhead agreed to retain as is.</i> |

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| | 38 | 6.7.6.4 | Tax status of the subject property | “Wasn't last sentence starting, ‘Specifically...’, omitted in 5-16-12 reso?” | <i>Riverhead and staff agreed that second sentence will be removed.</i> |
| Ch. 6 – | New | Issues | raised by Riverhead | at 12/10/14 meeting | |
| | 37 | 6.7.4.3 | Detail of Step 2: applying for a Pine Barrens Credit Certificate | “The term ‘clear title’ may not be universally understood.” | <i>Riverhead agreed to change the term “clear” to “accepted”</i> |
| | 37 | 6.7.5.3 | Detail of Step 3: Recording a conservation easement and obtaining a Pine Barrens Credit Certificate | | <i>Riverhead agreed to retain existing language.</i> |
| | 39 | 6.7.6.6 | Issuance of a full Pine Barrens Credit for certain roadfront parcels | “Parcels on improved public roads for which access was condemned and compensation previously provided should not receive a full credit allocation. Existing language doesn’t clearly state this.” | <i>Riverhead agreed that additional clarifying language should be considered.</i> |