

SUMMARY OF CLUP PARKING LOT ITEMS
for the Commission Worksession of 12/18/13

4. Section 4.3.11 - Tall Structure

Commission Counsel to provide a legal interpretation to Town of Riverhead as to whether or not the Commission has authority to regulate tall structures

Defer to legal counsel for input.

AC ACTION: THE AC UNANIMOUSLY ADOPTED A RESOLUTION TO RECOMMEND THAT THIS MATTER BE DEFERRED TO LEGAL COUNSEL FOR INPUT.

5.3.3.7.2 Bird conservation and protection

- John Turner to provide additional information to clarify this Standard, including: clarification on how to apply the Standard to development project applications.

Mr. Turner was not present at the last technical worksession on November 29th, 2011.

- Copy of the NYC Audubon Bird Safe Building Guidelines reference should be provided (attached).
- Copy of proposed Federal legislation that addresses this issue should be provided (attached).
- Provide information on how this standard would affect a project's cost.
- Indicate that this standard only applies to "new" activities that constitute "development," not "all development," as it currently references or may be interpreted. Retrofitting existing facilities will not be required as a result of this standard.
- The standard still contains the phrase "to the greatest extent feasible." Need to be more specific, eliminate ambiguity.
- The Commission may be exceeding their authority to regulate building construction.
- Additional review time to determine consistency with this standard may burden Town planning staff.

The Long Island Builders Institute is currently researching this subject and will forward any relevant information to the Commission. Comments were expressed that the science is new and speculative. Further, with height limitations currently in place and with the increased cost factors associated with this standard, it may exceed the regulatory authority of the Commission. Toronto was named as an example of a place where similar restrictions have been enacted.

AC ACTION: THE AC TABLED THIS MATTER TO ALLOW FOR LIBI AND MR. JOHN TURNER TO SUBMIT TO THE COMMISSION ADDITIONAL INFORMATION PERTINENT TO THE MATTER.

5.3.3.11.2 Scenic, cultural and historic resource protection, #6: sites containing either marked, known, or unmarked human remains of any age.

- Provide research on existing State and Federal regulations that apply to protect cemeteries. Existing provisions may already cover the protection of such resources.

References relevant to cemeteries and the protection of human remains will be provided and posted on the Commission's website.

- In subparagraph 6 pertaining to sites containing human remains, may wish to revise the language to state that such human remains will be treated in accordance with State and Federal guidelines, that in situations in which human remains are discovered on property in the Central Pine Barrens the Commission needs to be notified and if the site design is altered as a result, the project needs to be resubmitted to the Commission for review.
- Re-examine this subsection, as it may be two-thoughts that need to be separate and distinct.
- Provide a re-write of this subsection for review.
- In subparagraph 3, provide citations for State and Federal designations of scenic roads, corridors, viewpoints or viewsheds.

References relevant to scenic corridors, etc. will be provided and posted on the Commission's website.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THE PROPOSAL AND COMMENTS.