



Commission Meeting of May 16, 2012

Brookhaven Town Hall
One Independence Hill
Farmingville, NY

**Adopted Resolution
Ministerial Amendments to the
Central Pine Barrens Comprehensive Land Use Plan (CLUP)**

Present: Mr. Scully, (for the Governor of the State of New York)
Ms. Lansdale, (for the Suffolk County Executive)
Mr. Lesko, Brookhaven Town Supervisor
Ms. Throne-Holst, Southampton Town Supervisor
Mr. Walter, Riverhead Town Supervisor

Peter A. Scully
Chair

Steven Bellone
Member

Mark Lesko
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Whereas, the Commission seeks to amend the Central Pine Barrens Comprehensive Land Use Plan (CLUP); and

Whereas, on February 15, 2012, the Commission reviewed and achieved consensus on items identified as “Ministerial Additions and Revisions and Minor Refinements,” in a document entitled “*CLUP Worksession Discussion Outline*” dated February 13, 2012 (hereinafter “Ministerial CLUP Amendments”); and

Whereas, the itemized list of amendments are considered either ministerial or minor as they include “codification “ or memorializing of past resolutions, policies and decisions issued by the Commission regarding these matters but which were never formally added to the CLUP. Or, these amendments entail minor text additions or revisions which are intended to clarify, to minimize misunderstanding or misinterpretation, to update outdated information, to make corrections and to provide for general “housekeeping;” and

Whereas, the location in the CLUP of the Ministerial CLUP Amendments and their characteristics are listed below, while the complete set of amendments in Chapters 4, 5, and 6 is attached to this resolution and made a part hereof:

CHAPTER 4: REVIEW PROCEDURES AND JURISDICTION

Section 4.1 – Introduction: *insertion of one word for clarity*
Section 4.3.3 – Commission: *clarifying plan definition of*
Section 4.3.4 – Act: *clarifying plan definition of*
Section 4.3.6 – Central Pine Barrens: *clarifying plan definition of*
Section 4.3.7 – Core Preservation Area: *clarifying plan definition of*
Section 4.3.8 – Compatible Growth Area: *clarifying plan definition of*
Section 4.5.1 – Development located with the Core Preservation Area: *minor title addition*

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Section 4.5.1.1 - Core development Lead agency assertion: *minor title addition*
 Section 4.5.1.2 - Core development filing of an application: *minor title addition*
 Section 4.5.1.3 - Core development Hearing: *minor title and text addition*
 Section 4.5.1.4 - Core development Statutory basis for the Commission's decision: *minor title addition*
 Section 4.5.1.5 - Core development Decisions, default decisions and extensions of decisions: *minor title addition*
 Section 4.5.2.2 - Nonconforming development Changes in consistent projects: *minor title addition*
 Section 4.5.2.4 - Nonconforming development Review standards: *minor title addition*
 Section 4.5.2.5 - Nonconforming development Hearing: *minor title addition*
 Section 4.5.2.6 - Nonconforming development Decisions, default decision and extensions of decisions: *minor title addition*
 Section 4.5.3.1 - Assertion development Assertion of jurisdiction by the Commission over the project: *minor title addition*
 Section 4.5.3.4 - Assertion development Hearing: *minor title addition*
 Section 4.5.3.5 - Assertion development Decision on projects over which jurisdiction is asserted by the Commission: *minor title addition*
 Section 4.5.3.6 - Assertion development Default decisions: *minor title and text addition*
 Section 4.5.6 – Adoption of sense resolutions: *new text which memorializes current Commission practice*

CHAPTER 5: STANDARDS AND GUIDELINES FOR LAND USE

Section 5.3.3 – Intent and Compatible Growth Area standards: *minor text addition*

CHAPTER 6: PINE BARRENS CREDIT PROGRAM

Section 6.3.1.1 - Development yield factors and computation for single family residentially zoned property: *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
 Section 6.3.1.1.4 - If zoning allows one dwelling unit per forty thousand square feet: *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
 Section 6.3.1.1.5 - If zoning allows one dwelling unit per sixty thousand square feet: *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
 Section 6.3.1.1.6 - If zoning allows one dwelling unit per eighty thousand square feet: *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
 Section 6.3.1.1.7 - If zoning allows one dwelling unit per one hundred twenty thousand square feet: *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
 Section 6.3.1.1.9 - If zoning allows one dwelling unit per two hundred thousand square feet: *minor text additions to acknowledge existing Southampton Town exceptions for old filed map parcels*
 Section 6.3.1.1.12 - A fractional allocation of a Pine Barrens Credit shall be rounded upward: *minor single word addition*
 Section 6.3.1.1.13 - If zoning allows one dwelling unit per thirty thousand square feet: *codifying prior Commission resolution*
 Section Figure 6-1 - Pine Barrens Credit Program development yield factors for single family residentially zoned property: *minor text additions for clarification*
 Section Figure 6-1a - Pine Barrens Credit allocation examples for single family residentially zoned property: *minor addition to title for clarity*

- Section 6.3.3.4 - Partially improved parcels shall receive a decreased allocation: *minor text addition for clarity which only includes a change in the last sentence where the words: “and December 1, 2009” is inserted after the year “1984”. (was part of Commission 3/16/11 hearing)*
- Section 6.4.2.2.2 - Brookhaven total yield: *correction to text*
- Section 6.4.2.2.3 - Brookhaven approval subject to criteria: *minor text addition for clarity that involves the addition of the text “as of right” after the first word in the first sentence.*
- Section 6.4.4.1 - Overview of the Southampton Pine Barrens Credit Program: *minor text addition to codify policy established in Commission decision*
- Section 6.6.2.2 - Authority of the Board of Advisors: *revised and additional text for clarity*
- Section 6.6.2.9 - To issue Letters of Interpretation: *to clarify and codify current Credit Clearinghouse policies and procedures*
- Section 6.7.3.3 - Extensions of deadline for filing an appeal: *codification of current practice with a minor text addition at the end of the last sentence to add the text “on written request of the property owner” after the word “discretion”*
- Section 6.7.4 - Detail of Step 1: Applying for a Pine Barrens Credit Certificate: *minor text addition to title for clarity*
- Section 6.7.4.1 - After receiving a Letter of Interpretation: *elimination of outdated text to codify current practice in #2 of this section, remove the text after the words “title report”*
- Section 6.7.4.3 - The Clearinghouse will provide to the applicant a conservation easement: *codification of current Commission practice*
- Section 6.7.4.4 - The Clearinghouse will utilize a current survey: *codification of prior Commission resolution (text to remain as is, however this section will be moved to Section 6.7.3 since it refers to LOI applications)*
- Section 6.7.4.5 - The Commission will issue and update policies on title insurance: *codification of current Commission practice and renumber to 6.7.4.4 since previous 6.7.4.4 was moved to 6.7.3*
- Section 6.7.5.3 - The conservation easement will then be recorded with the County Clerk: *additional text for clarity that includes the insertion of the word “Suffolk” before County.*
- Section 6.7.6.1 - Expiration of the Letters of Interpretation: *minor revision to reflect current practice and need and includes changing the timeframe from one year to three years.*
- Section 6.7.6.3 - Notification of the Clearinghouse of Pine Barrens Credit usage: *codification of current Commission practice (prior to the word “redemption” add phrase “or used as security” and delete the word “or” in the phrase “transferred or sold.” This reflects current experience and practice)*
- ***Section 6.7.6.4 - Tax status of the subject property: *codification of prior Commission decision (proposed change will be stricken and text will remain as presented in the original 1995 Plan version)*
- Section 6.7.6.6 - Issuance of a full Pine Barrens Credit for certain roadfront parcels: *codification of existing Commission policy and prior decisions (but clearly segregate service roads from main lines)*
- Section 6.7.6.7 - Minimum Pine Barrens Credit allocation: *minor text addition for clarity*
- Section 6.8 - Registry, Reports, and Other Publicly Accessible Information for Pine Barrens Credits: *minor text addition to title for clarity*
- Section 6.8.1 - Establishment and maintenance of the Pine Barrens Credit Registry: *revisions to reflect current Commission practice*
For Item #1 – leave original text as it exists in the 1995 CLUP version; however, add in the words “property and contact” before the word “address” in the first sentence.
For Item #2 – leave text as presented in the 1995 CLUP version

For Item #3 – Do not strike out original Plan text as proposed in the amendment, instead leave it as it exists in the 1995 CLUP. Proposed new Item #3 becomes renumbered as Item #4 and text remains as proposed in the 9/12/10 CLUP amendment version. For the proposed new Item #4 renumber it to Item #5 and renumber the original Item # 5 to Item #6. The formerly new Item #4 that is renumbered to Item #5 will include the sending parcel address information.

Section 6.8.3 - Distribution of the annual report: *revision to reflect current Commission practice*

Whereas, on March 21, 2012, the Commission scheduled a public hearing on the Ministerial CLUP Amendments; and

Whereas, pursuant to the provision requiring public notice in NYS ECL Article 57, section 57-0121.13 in regard to the intent of the Commission to vote on the Ministerial CLUP Amendments, the Commission at its March 21, 2012 meeting directed legal notice of its intent to vote be published; and

Whereas, on April 18, 2012, the Commission held a public hearing on the Ministerial CLUP Amendments, a stenographic transcript of the hearing was provided to the Commission and the only public comment received was in support of the proposal; and

Whereas, pursuant to the New York State Environmental Quality Review Act (“SEQRA”), these Ministerial Amendments meet the criteria for Type II actions, classes of actions which have been determined to not have a significant impact on the environment and which are not subject to further environmental review; now therefore be it;

Resolved, that the Commission determines that the adoption of these Ministerial Amendments constitutes a Type II action; and be it further

Resolved, the Commission hereby adopts the Ministerial CLUP Amendments.

Motion by: Mr. Scully

Second by: Ms. Throne-Holst

Ayes: Mr. Scully, Ms. Lansdale, Mr. Lesko, Mr. Shea, and Mr. Walter

Nays: None