

**Short Guide to Chapter 5 CLUP Amendments**  
**Upgrading Guidelines to Standards**  
For April 17, 2013

Presently, Standards listed in Chapter 5 are mandatory and are to be applied by the Town and/or the Central Pine Barrens Commission to any development project in the Compatible Growth Area.

Guidelines listed in Chapter 5 are discretionary and are to be applied by the Town and/or the Central Pine Barrens Commission to a development project in the Compatible Growth Area, except that it is mandatory to apply Guidelines when a development project is:

- Defined as a **Development of Regional Significance**
- In a **Critical Resource Area**
- An **Assertion of Jurisdiction** by the Central Pine Barrens Commission

Some development projects proposed in the Core Preservation Area and Compatible Growth Area are not subject to Town Code provisions or Town jurisdiction. For example, the Town of Brookhaven did not have jurisdiction to review the Site Plan for the Longwood Library Expansion. In the CGA, if the Town has no jurisdiction to implement the provisions that apply to the Comprehensive Land Use Plan, the Central Pine Barrens Commission reviews the development project for conformance. If a project does not conform, it requires a Hardship.

In 2010 (November 8, 2010 and December 3, 2010) and 2011 (September 27, 2011 and November 29, 2011), Commission staff, at the direction of the Commission, held technical worksessions with technical staff and Designated Representatives of the Commission to review all of the proposed amendments to the Chapters 4, 5, and 6. During the technical worksessions, no concerns were raised by participants relative to the global change to consolidate some Guidelines and Standards and conversion of any remaining Guidelines to Standards, which makes them mandatory during the review of a development project in the CGA. Again, at the present time, Guidelines are discretionary except in the cases listed above. For any items raised during the aforementioned technical worksessions that did not achieve consensus, required clarification, or were considered new items to be referred to the Commission or ECL Article 57 amendments, Commission staff prepared a “Summary of Parking Lot Items” dated December 9, 2011. Subsequently, the Advisory Committee (AC) met to review the “Parking Lot Items” and made recommendations pertaining thereto. On December 20, 2011, the Summary was updated to reflect any recommendations from the AC.

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<p>5.3.3.1 Nitrate-nitrogen</p> <p style="text-align: center;"><i>Guideline</i></p> <p>5.3.3.1.3 Nitrate-nitrogen goal</p>	<p>5.3.3.1 Sanitary waste, nitrate-nitrogen and other chemicals of concern</p> <p style="text-align: center;"><i>Standard</i></p> <p>5.3.3.1.5 Nitrate-nitrogen</p>	<p>Changed title of 5.3.3.1 to “<i>Sanitary waste, nitrate-nitrogen and other chemicals of concern</i>” due to topical overlap. No change to section number.</p> <p>Sections 5.3.3.1 (originally entitled “<i>Nitrate-nitrogen</i>”), 5.3.3.2 (originally entitled “<i>Other chemical contaminants of concern</i>”), and 5.3.3.12 (originally entitled “<i>Commercial and industrial development</i>”) were combined for clarity due to their topical overlap. Standards and former Guidelines were therefore relocated and renumbered. Added new text due to merger of sections.</p> <p style="text-align: center;"><i>Guideline</i></p> <p>5.3.3.1.5 Converted to standard which applies only to DRSs, projects in CRAs and Assertions of Jurisdiction. (Does not apply to conforming developments nor projects which need a hardship waiver for one or more standards but which are not DRSs, in CRAs or Assertions of Jurisdiction.) Renumbered, deleted the word “<i>goal</i>.” Renumbering based on Advisory Committee and Staff recommendations. Addition of “<i>development</i>” adjective and “<i>other surface waters</i>” suggested by Commission staff for clarity.</p> <p>Former Standard 5.3.3.2.1, “<i>Suffolk County Sanitary Code Articles 7 and 12</i>,” is renumbered to Standard 5.3.3.1.3. Inserted titles of Articles 7 and 12 and text regarding requirements to submit permits to the Commission.</p>	<p>Discretionary, except in cases of:</p> <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	<p>Mandatory for projects which are a DRS, in a CRA or ones over which the Commission has “asserted jurisdiction.”</p>

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<p>5.3.3.3 Wellhead protection</p> <p style="text-align: center;"><i>Guideline</i></p> <p>5.3.3.3.2 Private well protection</p>	<p>5.3.3.3 Wellhead and groundwater protection</p> <p style="text-align: center;"><i>Standard</i></p> <p>5.3.3.3.2 Private well protection</p>	<p>5.3.3.3 Inserted phrase “<i>and groundwater.</i>” Updated the section to include SWAP information to evaluate impacts. No change to section number.</p> <p style="text-align: center;"><i>Guideline</i></p> <p>5.3.3.3.2 Private well protection</p> <p>Deleted reliance on SCDHS private well guidance. Added language to identify private supply wells within 500 feet downgradient of a project site and projected impacts to those wells. No change to number.</p>	<p>Discretionary, except in cases of:</p> <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	<p>Mandatory. Applied in the same manner as any other standard is applied to any CGA development project, not just a DRS, one which is in a CRA or one which is an assertion of jurisdiction.</p>

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<p>5.3.3.4 Wetlands and surface waters</p> <p style="text-align: center;"><i>Guideline</i></p> <p>5.3.3.4.4 Additional non-disturbance buffers</p>	<p>5.3.3.4 Wetlands, surface waters and stormwater runoff</p> <p style="text-align: center;"><i>Standard</i></p> <p>5.3.3.4.4 Reduction of Impervious Surfaces</p>	<p>5.3.3.4 Inserted “stormwater runoff.” Combined Sections 5.3.3.4 (originally titled “Wetlands and surface waters”) and 5.3.3.5 (originally titled “Stormwater runoff”) due to topical overlap. No change to section number.</p> <p style="text-align: center;"><i>Guideline</i></p> <p>5.3.3.4.4 Former Guideline 5.3.3.4.4 (“Additional nondisturbance buffers”) incorporated into Standard 5.3.3.4.1 entitled “Nondisturbance buffers”. New Standard created in 5.3.3.4.4 entitled “Reduction of Impervious Surfaces,” using existing number. This new Standard clarifies requirements for sites with existing extensive clearing and impervious surfaces to comply with the Open Space Standard. No change to number.</p>	<p>Discretionary, except in cases of:</p> <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	<p>Mandatory. Applied in the same manner as any other standard is applied to any CGA development project.</p>

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<p>5.3.3.5 Stormwater runoff</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.5.2 Natural recharge and drainage</p> <p>5.3.3.5.3 Ponds</p> <p>5.3.3.5.4 Natural topography in lieu of recharge basins</p> <p>5.3.3.5.5 Soil erosion and stormwater runoff control during construction</p>	<p>Current Guidelines 5.3.3.5.2, 5.3.3.5.3 and 5.3.3.5.4 moved to new 5.3.3.4.5 – “Natural drainage and ponds”</p> <p>5.3.3.5.5 changed to 5.3.3.4.6. Existing wording about DEC stormwater guidance is proposed to be deleted and replaced with new wording.</p>	<p>5.3.3.5 Original content of 5.3.3.5 Stormwater Runoff is now combined with 5.3.3.4 Wetlands, Surface Waters and Stormwater Runoff due to topical overlap.</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.5.2 Incorporated into 5.3.3.4. Deleted number. Deleted phrase “Ponds should be created only if they are to accommodate stormwater runoff, not solely for aesthetic purposes.” Added “Creation of ponds shall require approval from the Commission under this standard, but creation of ponds shall not count towards satisfaction of Standard 5.3.3.6.2” (an open space set aside requirement).</p> <p>5.3.3.5.3 Incorporated into 5.3.3.4. Deleted number.</p> <p>5.3.3.5.4 Incorporated into 5.3.3.4.5 Deleted number.</p> <p>5.3.3.5.5 Incorporated into 5.3.3.4.6. Deleted number. Deleted guidelines urging compliance with NYSDEC stormwater guidelines and standards. Wording changed so that if a stormwater plan is required by another agency, a copy of that plan must be filed with the Commission.</p>	<p>Discretionary, except in cases of:</p> <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	<p>Mandatory. Applied in the same manner as any other standard is applied to any CGA development project.</p>

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<p>5.3.3.8 Soils</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.8.1 Clearing</p> <p>5.3.3.8.2 Stabilization and erosion control</p> <p>5.3.3.8.3 Slope analyses</p> <p>5.3.3.8.4 Erosion and sediment control plans</p> <p>5.3.3.8.5 Placement of roadways</p> <p>5.3.3.8.6 Retaining walls and control structures</p>	<p>5.3.3.8 Soils and Topography</p> <p style="text-align: center;"><i>Standard</i></p> <p>5.3.3.8.1 Slopes, clearing and stabilization</p>	<p>5.3.3.8 Inserted phrase “<i>and Topography.</i>” No change to section number.</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.8.1 Changed to “<i>Slopes, clearing and stabilization</i>” for consistency with Suffolk County Planning Commission thresholds, incorporated all other Soils and Topography Guidelines into 5.3.3.8.1, and addressed conflicts. No change to number. Disturbance to or creation of slopes greater than 15% is now proposed to be prohibited. Most development and disturbance would now be required to be on slopes of 10% or less. Also, would now need Commission hardship waiver to disturb slopes between 10% and 15%.</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.8.2, 5.3.3.8.3, 5.3.3.8.4, 5.3.3.8.5, and 5.3.3.8.6 were incorporated into new Standard 5.3.3.8.1. Numbers were deleted.</p>	<p>Discretionary, except in cases of:</p> <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	<p>Mandatory. Applied in the same manner as any other standard is applied to any CGA development project.</p>

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<p>5.3.3.9 Coordinated design for open space management</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.9.2 Clustering</p> <p>5.3.3.9.3 Protection of dedicated open space</p>	<p>5.3.3.9 Dark Sky Compliance</p> <p style="text-align: center;"><i>Standard</i></p> <p>5.3.3.9.1 Light Pollution Prevention. New Standard reuses number of former Standard “<i>Receiving entity for open space dedications.</i>”</p>	<p>5.3.3.9 Relocated to 5.3.3.6 “<i>Coordinated design for open space habitat, and soil protection.</i>” Created new section “<i>Dark Sky Compliance,</i>” and reused section number.</p> <p>Former Standard 5.3.3.9.1 and Guidelines 5.3.3.9.2 and 5.3.3.9.3 incorporated into section 5.3.3.6, “<i>Coordinated design for open space, habitat and soil protection.</i>”</p> <p>New proposed Standard 5.3.3.9.1, “<i>Light Pollution Prevention,</i>” reuses number of former Standard 5.3.3.9.1, “<i>Receiving Entity for Open Space Dedications.</i>”</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.9.2 Incorporated into 5.3.3.6.3 – Language remains essentially the same and is recommendation within the guise of a standard (language states in the third paragraph that “Municipalities are encouraged to maximize the use of the clustering technique....”) Deleted number.</p> <p>5.3.3.9.3 Incorporated into 5.3.3.6.6 Deleted number. Protection of open space must now be mandated through some form of guarantee.</p>	<p>Discretionary, except in cases of:</p> <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	<p>Mandatory. Applied in the same manner as any other standard is applied to any CGA development project.</p>

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5.3.3.10 Agriculture and horticulture  <i>Guideline</i> 5.3.3.10.1 Best management practices	5.3.3.9.10 RESERVED	5.3.3.10 Relocated content to section 5.3.1, “ <i>Applicability and other policies.</i> ” Reserved section 5.3.3.10.  <i>Guideline</i> 5.3.3.10.1 Relocated content to section 5.3.1. Reworded as a policy statement in section 5.3.1. Deleted number 5.3.3.10.1.	Discretionary, except in cases of: <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	Reserved section

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<p>5.3.3.11 Scenic, historic and cultural resources</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.11.1 Cultural resource consideration</p> <p>5.3.3.11.2 Inclusion of cultural resources in applications</p> <p>5.3.3.11.3 Protection of scenic and recreational resources</p> <p>5.3.3.11.4 Roadside design and management</p>	<p>5.3.3.11 Scenic, historic and cultural resources</p> <p style="text-align: center;"><i>Standards</i></p> <p>5.3.3.11.1 Tall structures and scenic resources</p> <p>5.3.3.11.2 Scenic, cultural and historic resource protection</p> <p>5.3.3.11.3 Preservation and enhancement of roadside character</p>	<p>5.3.3.11 Same section number and title. New text added addressing visual impacts of tall structures (proposed as a new definition in Chapter 4).</p> <p style="text-align: center;"><i>Guidelines</i></p> <p>5.3.3.11.1 now proposed as New Standard “<i>Tall structures and scenic resources.</i>” Incorporated intent of “<i>Cultural resource consideration</i>” into new Standard 5.3.3.11.2, “<i>Scenic, cultural and historic resource protection.</i>” No change to number.</p> <p>5.3.3.11.2 Changed title to “<i>Scenic, cultural and historic resource protection.</i>” Staff recommendation for clarity, consolidation and enhancement of three formerly separate Guidelines. No change to number.</p> <p>5.3.3.11.3 Changed title to “<i>Preservation and enhancement of roadside character.</i>” Incorporated content of this former Guideline into Standard 5.3.3.11.2. No change to number.</p> <p>5.3.3.11.4 Incorporated content into new Standard 5.3.3.11.3. Deleted number.</p>	<p>Discretionary, except in cases of:</p> <ul style="list-style-type: none"> <li>• DRS</li> <li>• CRA</li> <li>• Assertions</li> </ul>	<p>Mandatory. Applied in the same manner that any other standard is applied to a CGA development project.</p>