

## **Chapter 4: Review Procedures and Jurisdiction**

### Recommended Action on CLUP Amendments

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#### **Notes**

- When referring to the chapter, the font effects mean the following:
  - Black text without underlining: original 1995-2005 text
  - Black text with underlining: New proposed amendment text that Commission authorized to be advanced or original 1995-2005 text which was proposed to be stricken but which Commission desired to retain
  - **Yellow-highlighted text**: Newly rewritten text prepared by staff as a result of Commission requests generated during the 2013 and January 2014 CLUP Worksessions and text the Commission suggested should be stricken.
- CLUP Sections that are not listed have no proposed amendments.

<b>Review Date</b>	<b>Section</b>	<b>Title</b>	<b>Synopsis of Amendment</b>	<b>Conclusion and Action</b>
	4.2	Intent	Two minor paragraphs discussing Commission's intent to coordinate and share data, including GIS, with other agencies	It appears the Commission never determined disposition but seems to be minor and non-controversial. Discuss with Commission at 3/19/14 CLUP Amendment Worksession.
	4.3	Definitions	Minor reference to CLUP added.	It appears the Commission never determined disposition but seems to be minor and non-controversial. Discuss with Commission at 3/19/14 CLUP Amendment Worksession.
	4.3.1	Complete application	This is related to the proposed statutory change in ECL Article 57 which was identified but which has not yet been adopted by the State Legislature.	Make Commission aware at 3/19/14 Worksession but recommend not advancing and leaving existing language for now. Propose that if and when ECL Article 57 is amended, can revisit at that time.
	4.3.2	Plan	Minor reference to ECL Article 57 added.	It appears the Commission never determined disposition but seems to be minor and non-controversial. Discuss with Commission at 3/19/14 CLUP Amendment Worksession.

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	<u>4.3.5.1</u>	<u>Interpretation of “nondevelopment” provision 57-0107(13)(xiii)</u>	Proposed change refers to the issue regarding subdivisions involving 5 or fewer lots. Commission had supported an amendment to ECL Article 57 definition of “development” and “non-development” but no amendment has yet occurred.	Make Commission aware at 3/19/14 Worksession but recommend not advancing and leaving existing language for now. Propose that if and when ECL Article 57 is amended, can revisit at that time.
	<u>4.3.9</u>	<u>Project Site</u>	Two minor paragraphs discussing Commission’s intent to coordinate and share data, including GIS, with other agencies	It appears the Commission never determined disposition but seems to be minor and non-controversial. Discuss with Commission at 3/19/14 CLUP Amendment Worksession.
	<u>4.3.10</u>	<u>Pre-Existing Structure or Use</u>	New section which defines these as those existing prior to the enactment of the Act.	It appears the Commission never determined disposition but seems to be minor and non-controversial. Discuss with Commission at 3/19/14 CLUP Amendment Worksession May want to add phrase “, including legal non-conforming structures,” to ensure this section mirrors that proposed addition to the last paragraph in Section 5.1. May also need to add date of January 1, 2014 for structures in the new Carmans River Core and CGA areas.
9/18/13, 12/18/13	<u>4.3.11</u>	<u>Tall Structure</u>	-New definition. -Defines tall structure as a structure that meets or exceeds a total of 50 feet in height above average unaltered grade.	Advance amendment.
	4.5.2	Development located within the Compatible Growth Area which does not conform to the standards contained in Volume 1, Chapter 5 of the Plan (“ <u>nonconforming development</u> ”)	Minor addition of phrase to title and also proposed elimination of sentence which referred to Guidelines	It appears the Commission never determined disposition but seems to be minor and non-controversial. Can recommend change to title and to retain sentence referencing guidelines. Discuss with Commission at 3/19/14 CLUP Amendment Worksession.

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	4.5.2.1	<u>Nonconforming development: Filing of an application</u>	This is related to the proposed statutory change in ECL Article 57 regarding complete applications. Entails addition to title and addition of new text which specifies application completeness and incompleteness requirements.	Can make change to title but not to body of text. Make Commission aware at 3/19/14 Worksession but recommend not advancing and leaving existing language for now. Propose that if and when ECL Article 57 is amended, can revisit at that time.
	4.5.2.3	<u>Nonconforming development: Completeness determination deadline</u>	This is related to the proposed statutory change in ECL Article 57 regarding complete applications. Entails addition to title and addition of new text which specifies application completeness and incompleteness requirements.	Can make change to title but not to body of text. Make Commission aware at 3/19/14 Worksession but recommend not advancing and leaving existing language for now. Propose that if and when ECL Article 57 is amended, can revisit at that time.
	4.5.4	Development located within the Compatible Growth Area which is also located within a Critical Resource Area (“CRA development”)	Added “CRA development” to title.	Advance amendments.
	4.5.4.1	<u>CRA development: Definition of Critical Resource Areas</u>	Added “CRA development” to title. Added reference to ECL 57-0121(6)(e) requiring identification and mapping of CRAs.	Advance amendments.
	<u>4.5.4.1.1</u>	<u>Brookhaven Town Critical Resource Areas</u>	New Section title.	Advance amendments
	<u>4.5.4.1.2</u>	<u>Southampton Town Critical Resource Areas</u>	New Section.	Update CRA parcels.
	<u>Figure 4-1:</u>	<u>Summary of Critical Resource Areas in the Central Pine Barrens</u>	Strikes former Figure 4-1, as all CRAs in Brookhaven have been acquired.	Restore Figure. Update CRA parcels.
	<u>Figure 4-2:</u>	<u>Critical Resource Areas in the Southampton Town CGA</u>	-New Figure updated per Town of Southampton information. -Reused Figure number.	Updated Figures per Town of Southampton information.
	<u>Figure 4-2:</u>	<u>Critical Resource Areas in Riverside - Flanders area of Southampton Town</u>	-New Figure title, reused number. -Replaces former Figure 4-4.	Updated Figure per Town of Southampton information and renumber to Figure 4-3.

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	Figure 4-2:	Critical Resource Areas in Red Creek area of Southampton Town	-New Figure title, reused number. -Replaces former Figure 4-5.	Updated Figure per Town of Southampton information and renumber to Figure 4-4.
	Figure 4-2:	Critical Resource Areas in Westhampton area of Southampton Town	-New Figure title, reused number. -Replaces former Figure 4-6.	Updated Figure per Town of Southampton information and renumber to Figure 4-5.
	4.5.4.2	<u>CRA development</u> : Review standards	-Added “CRA development” to title. -Strikes references to Guidelines.	Advance amendments. Restore references to Guidelines.
	4.5.4.3	<u>CRA development</u> : Application and hearing	Added “CRA development” to title.	Advance amendments.
	4.5.4.4	<u>CRA development</u> : Decision on the application	Added “CRA development” to title.	Advance amendments.
	4.5.4.5	<u>CRA development</u> : Default decisions	-Added “CRA development” to title. -Added “development” adjective.	Advance amendments.
6/19/13	4.5.5	Development of Regional Significance located within the Compatible Growth Area (“ <u>DRS development</u> ”)	Added “DRS development” to title.	Advance amendments.
6/19/13	4.5.5.1	<u>DRS development</u> : Definition of a Development of Regional Significance	-Added “DRS development” to title. -Strikes original text. -Elaborated on a former threshold by adding more detailed types of large scale development projects defined as DRS’.	Advance amendments.
6/19/13, 7/17/13		<u>1. Non Residential Floor area</u> :	Elaborated on a former threshold by adding “Non residential floor area” and enumerating other types of facilities under this definition.	Advance amendments.
6/19/13, 7/17/13		<u>2. Traffic</u> :	Added number of peak hour trips and parking spaces to the definition.	Do not advance amendments.

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7/17/13		<u>3. Occupancy: Contemplates a capacity of 6,000 or more people.</u>	-New threshold. -Refers to facility with capacity of 6,000 or more people.	Do not advance amendments.
7/17/13		<u>4. Heavy Industrial:</u>	-New threshold. -Refers to new mining and related industrial uses, facilities and expansions that meet this definition.	Do not advance amendments.
7/17/13		<u>5. Residential:</u>	Elaborates on a former threshold and types of residential facilities.	Advance amendments.
7/17/13		<u>6. Mixed Use Floor Area:</u>	New threshold incorporates mixed uses and size thresholds.	Revise. Simplified the definition for mixed use development of 400,000 square feet or greater.
7/17/13		<u>7. Water Table Exposure:</u>	New threshold. Defines type of project where subsurface groundwater is exposed.	Revise. Identified an area threshold of subsurface groundwater exposure of three acres or more, as per NYSDEC requirements, and identified exemptions.
7/17/13		<u>8. PDD Without Development Rights:</u>	Former threshold with clarity referring to PDDs.	Advance amendments.
7/17/13	4.5.5.2	<u>DRS development:</u> Review standards	Added “DRS development” to title. Strikes references to Guidelines.	Advance amendments. Restore references to Guidelines.
7/17/13	4.5.5.3	<u>DRS development:</u> Application and hearing	Added “DRS development” to title.	Advance amendments.
7/17/13	4.5.5.4	<u>DRS development:</u> Decision on the application	Added “DRS development” to title.	Advance amendments.
7/17/13	4.5.5.5	<u>DRS development:</u> Default decisions	Added “DRS development” to title. Added “development” adjective.	Advance amendments.