

CPB Commission CLUP Worksession of June 19, 2013

Excerpts Pertaining to CLUP Section 4.5.5.1, Developments of Regional Significance, Derived from CLUP Technical Staff Worksession Parking Lot Items of December 20, 2011 and updated with Advisory Committee Recommendations of December 15, 2011

**Left side note refers to date of the CLUP technical staff worksession that generated the parking lot item listed*

The following comments pertain solely to Section 4.5.5.1 of the CLUP. These comments pertain to unresolved issues emanating from the worksessions conducted by Commission staff with technical and planning staff of Commission member agencies during the period from 2010 to 2011. These issues were placed in a “Parking Lot” for future review, debate and, hopefully, resolution. These unresolved issues, which included those for which no consensus was achieved, were compiled from each of the Technical Worksessions and incorporated into a single “Parking Lot” document originally prepared on December 20, 2011. At its December 15, 2011 meeting, the Central Pine Barrens Advisory Committee (the “AC”) discussed these issues and adopted resolutions recommending the Commission undertake certain actions on each. Both the Technical Worksession Parking Lot information and the subsequent 12/15/11 AC Meeting resolutions were incorporated into a single document prepared by Commission staff on February 6, 2012. Excerpts from this last document, which pertain solely to Section 4.5.5.1 of the CLUP, are listed below:

Chapter 4: Review Procedures and Jurisdiction

7. Section 4.5.5.1 - Definition of a Development of Regional Significance

As per Section 57-0123 (2)(a) (*implementation of the Central Pine Barrens comprehensive land use plan*) the commission “...shall have jurisdiction to review and approve ...developments of regional significance as identified in the land use plan.” Clarify how and why thresholds are proposed for traffic impacts (e.g. for special events, transient events) and occupancy thresholds (e.g. large-scale recreational or entertainment proposals) as Town professional staff are already reviewing such impacts. Traffic criteria need to be re-visited and revised. Vehicle trip generation criteria may perhaps be deleted, and/or clarifying language may be inserted, stating that such criteria is simply being used as an indicator of potential project size and environmental impacts as the intent is not to have the Commission regulate traffic in and of itself. Special events may also be excluded from regulation. References should be provided.

It is important to note that any Commission review of a development project’s potential to result in significant traffic impacts will only occur in the case of an applicant’s submission of a proposal for a project defined by the CLUP as a Development of Regional Significance. For your use, the following excerpts from ECL 57 contain general references that relate to potential traffic impacts as a result of a project:

§ 57-0121 (5)(b)(iv):

(5) *Preparation of the land use plan shall be based on the following planning studies and reports:*

(b) *General planning studies of the reserve, generally, and the Central Pine Barrens area, specifically, including but not limited to:*

(iv) *general location and extent of existing or currently planned major transportation, utility, and community facilities;*

§ 57-0121 (2)(e) *accommodate development, in a manner consistent with the long term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly.*

§ 57-0121 (4)(c) *discourage piecemeal and scattered development;*

§ 57-0121 (4)(d) *encourage appropriate patterns of compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the individual and cumulative adverse impacts thereof;*

§ 57-0121 (4)(f) *allow appropriate growth consistent with the natural resource goals pursuant to this article.*

§ 57-0121 (6)(u)(i) and (ii): *Description of developments of regional significance. The land use plan shall also, as funds permit, provide for a follow-up plan to be undertaken by the commission for a partnership infrastructure and sustainable development plan for the reserve. Based on the land use plan and the comprehensive management plan, such follow up plan shall be designed to*

(i) *coordinate the activities of all governmental entities in the provision of infrastructure necessary to support orderly development in the compatible growth areas and support of sustainable development in the reserve outside of the preserve; and*

(ii) *coordinate and focus investment in sustainable development efforts.*

It was acknowledged that these changes add further clarification to threshold numbers.

AC ACTION: THE AC MADE NO RECOMMENDATION ON THIS MATTER.

8. Section 4.5.5.1 - Definition of a Development of Regional Significance

Clarify definition of the threshold regarding mining activity (i.e., at what point does excavation and removal of excess material from a site, as in a commercial agreement; removal of material for creation of a pond, as in residential development; as well as clearing for mining, constitute a DRS or development in general (as per Article 57). “New mining” needs to be defined, as it relates to pre-existing, non-conforming mining sites.

New item. Bring to the Commission for consideration.

An additional comment were made that the Mined Land Reclamation Law of 1992 was adopted one year prior to ECL Article 57 and therefore was silent on the Long Island Pine Barrens Protection Act. There may be a need to consider new mining, not grandfathered and covered by the original pre-1993 life of mine permit, and clearing for mining in the Core.

AC ACTION: AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THESE PROPOSALS AND COMMENTS, WITH THE LONG ISLAND FARM BUREAU AND THE LONG ISLAND REGIONAL PLANNING COUNCIL ABSTAINING AND LIBI OPPOSED AS NYSDEC ALREADY HAS REGULATORY AUTHORITY OVER MINING OBVIATING THE NEED FOR COMMISSION INVOLVEMENT AND THE SEORA PROCESS WOULD ALLOW THE COMMISSION TO BE INVOLVED INDIRECTLY.

9. Section 4.5.5.1 - Definition of a Development of Regional Significance

Clarifying language is needed, stating that a project is defined as a DRS, if any or one or more of the listed thresholds and criteria are ~~satisfied~~ *achieved*.

Comment was expressed that where projects have regional impacts they have regional significance. Bring to the Commission for consideration.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THESE PROPOSALS AND COMMENTS

10. Section 4.5.5.1 - Definition of a Development of Regional Significance

PDD criteria may need to be re-visited and revised. PDD definitions should be cross referenced to mandatory credit redemption requirement (proposed Section 5.3.3.5 in Chapter 5) and within the DRS definition section such as to proposed definitions 1 (Non-Residential Floor Area), 2 (Traffic), 5 (Residential) and 6 (Mixed Use Floor Area). Should there be incentives for Pine Barrens Credit redemption, such as exclusions from DRS review, if a certain threshold of Pine Barrens Credits are redeemed? Are there concerns that regardless of the level of Pine Barrens Credit redemption, projects of a certain size and scale must always receive DRS review?

Bring to the Commission for consideration.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THESE PROPOSALS AND COMMENTS

5.3.3.12.1 Traffic management and mitigation

- Re-examine this standard, as it is already required for projects with the potential to result in significant adverse impacts pursuant to SEQRA.
- What entity will be reviewing this as review from agencies with expertise in this area may be required.
- An overall regional transportation plan and strategy is suggested to avoid case-by-case review and ensure compact, efficient and orderly development.

Concern was expressed that the standard should provide for consultation with Towns, which already have traffic safety and engineering units, in regard to traffic impacts. As the Towns, County and DPW and State DOT already review traffic impacts, why is there a need for an additional approval from the Commission, especially after these other agencies have already addressed the issues? Town highway departments should also be included in the review.

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