

## **CPB Commission CLUP Worksession of June 19, 2013**

### ***Remaining Excerpts Pertaining to CLUP Standard 5.3.3.6 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 5.3.3.6 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 5.3.3.6 of the CLUP, are listed below:

#### **5.3.3.6.1.5 Relief from clearing**

- The Hardship requirement is applicable to BZA subdivisions as well.

***Bring to the Commission for consideration. Also, this clarification should be added to the CLUP standard***

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

#### **5.3.3.6.1.6 Split Core/CGA site**

- For clarity, cross reference Chapter 6, specifically Section 6.3.3.5, which may result in greater clearing in the CGA portion of the site to protect the Core portion. Address timing of credit redemption if and when Credits are issued for the Core portion.
  - In a recent decision on an application in the CGA (The Meadows at Yaphank PDD CGA-DRS resolution dated 10/19/11), since the applicant for the project offered and the Commission required the redemption of Pine Barrens Credits, the Commission imposed the following condition which may help in the future in guiding the timing of credit redemption: “Prior to the issuance of any building permits or physical activity on the

*project site, the applicant shall redeem a minimum of five (5) Pine Barrens Credits for the Project and provide proof of this transaction to the Commission.”*

*An additional comment was made that cash flow can be a significant issue for a development until it receives revenue from completed sites. Accordingly, an agency should allow for phasing and establish a schedule for redemption in a development project that will be phased. Cash payments toward redemptions could be implemented incrementally as development progresses in order to spread out the cost of redemption. Another comment was expressed that this will add to the complexity of government review process and tracking and that certain fees, such as park fees, are already required upfront.*

**AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THE PROPOSAL AND COMMENTS, WITH THE ADDITIONAL RECOMMENDATION THAT THE PROPOSED AMENDMENT LANGUAGE BE CHANGED TO ALLOW FOR THE DEVELOPMENT OF A PRO RATA CREDIT REDEMPTION PROGRAM.**

#### **5.3.3.6.3 Unfragmented open space and habitat**

- In the first paragraph, which begins “Subdivision and site design...:”
  - Rework the first paragraph in this standard. Refer to other standards, for example state, “...in accordance with other CLUP standards.”
  - Add “when adjacent parcels are undisturbed” to the first sentence.
  - Consider adding the phrase “or entirely or partially preserved” to the end of the first sentence.
  - Consider eliminating the phrase comprising the first portion of the second sentence – that portion which states: “Subdivision and site designs ~~should~~ shall also be configured in such a way so as to prioritize the preservation of designated open spaces and/or native pine barrens vegetation...” as it seems to be unnecessary.
  - Explain why the phrase, “...to the maximum extent ~~necessary~~ *practicable*,” is being eliminated from the end of the first paragraph?

*A comment was expressed that this standard should be as firm and clear as possible.*

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

#### **5.3.3.6.8 Invasive plant species mitigation**

- Re-write this standard.
- Indicate that the developer is required to do the assessment.
- Change wording to “removal and/or management.”
- Elaborate on the requirements included in the “removal and/or management” of invasives.

- Describe how this standard works with other standards. For example, if someone is making a good-faith effort to comply with the invasives standard this might cause that person to violate the clearing standard as invasives may comprise a portion of the natural vegetation on a parcel which is intended to be set aside.
- Consider adding the phrase “maximum extent practicable.”
- What is the basis for the reference to “10 acres”?
- Consider adding the phrase “*to the maximum extent practicable*” as there may be some situations in which it is difficult to remove invasives or in which the removal of invasives may cause an undesirable situation (e.g. the removal of *Phragmites* on a steep slope may destabilize the slope and cause erosion.)

*Suffolk County Planning Commission recently placed certain plants that were formerly acceptable on a “no plant” list.*

*What if land is conveyed to a public agency?*

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