

CPB Commission CLUP Worksession of June 19, 2013

Excerpts Pertaining to CLUP Chapter 4: Review Procedures and Jurisdiction

4.5.5 Developments of Regional Significance located within the Compatible Growth Area

The Act sets forth the jurisdiction for the Commission's review of development within the Compatible Growth Area of the Central Pine Barrens. This includes the review of development that meets the threshold(s) constituting a Development of Regional Significance as enumerated in the Plan. The Act also authorizes the Commission, by majority vote, to waive strict compliance with this Plan upon finding that such waiver is necessary to alleviate a demonstrated hardship.

4.5.5.1 Definition of a Development of Regional Significance

The following developments are defined as Developments of Regional Significance.

1. A commercial, industrial or office development project exceeding 300,000 square feet of gross floor area, or an addition to an existing commercial, industrial or office development where the addition is 100,000 square feet or more and that addition causes the total square footage to exceed 300,000 square feet.
2. A multifamily residential development project consisting of three hundred (300) or more units.
3. A single family, detached residential development project consisting of two hundred (200) or more units.
4. A development project resulting in a traffic impact which would reduce service by two (2) levels below existing conditions or to a level of service of D or below.

Development projects which meet all of the following three criteria are not Developments of Regional Significance:

1. the development project is situated within a designated receiving area pursuant to this Plan, and
2. the development project results from a transfer of development rights from a sending area as defined in this Plan, and
3. the development project contains a minimum of fifteen percent (15%) of residential units, or a minimum of fifteen percent (15%) of commercial, industrial or office use square footage, which is a direct result of the transfer of development rights.

Additionally, the Calverton redevelopment project described in Chapter 9 is defined to not be a Development of Regional Significance.

4.5.5.2 Review standards

The Commission's review pursuant to this section shall be limited to compliance with the standards and guidelines set forth in Volume 1, Chapter 5 of this Plan. The Commission shall review conformance with guidelines set forth in Volume 1, Chapter 5 of this Plan.

4.5.5.3 Application and hearing

A complete application shall be filed by the project sponsor as defined in 4.3.1. Within sixty (60) days of the application being deemed complete, a public hearing on the development proposal shall be held unless the Commission by majority vote deems a hearing unnecessary, in accordance with the procedures provided in the act. If a hearing is held, the Commission shall provide the project sponsor and any other person an opportunity to be heard as provided for, and in accordance with the procedures provided in the Act.

4.5.5.4 Decision on the application

A decision on the application shall be made by the Commission within one hundred twenty (120) days of said application being deemed complete.

4.5.5.5 Default decisions

In the event that the Commission fails to make a decision within one hundred twenty (120) days, the proposal shall be deemed to be approved by the Commission.

4.5.6 Adoption of sense resolutions by the Commission for development projects*

With respect to a development project undergoing review pursuant to the State Environmental Quality Review Act (SEQRA) by another government agency and which is also a pending application being processed and reviewed by the Commission, the Commission may elect to adopt a sense resolution expressing its review and evaluation to date of such project and forward the same to those other agencies. The primary purpose of such a sense resolution shall be to facilitate the completion of the other agencies' SEQRA review and thereby enable the Commission to make a final decision on such a development project.

* Denotes May 16, 2012 Ministerial CLUP Amendments adopted by the Commission