

CPB Commission CLUP Worksession of June 19, 2013

*Excerpts of Proposed Amendments Pertaining to
CLUP Chapter 4: Review Procedures and Jurisdiction,
Section 4.5.5 Developments of Regional Significance*

4.5.5 Developments of Regional Significance located within the Compatible Growth Area (“DRS development”)

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 DRS development: Definition of a Development of Regional Significance *(Source: Staff and Advisory Committee discussion through 12/06, plus staff recommendation.)*

~~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.~~

Large scale developments that are likely to have regional impacts beyond the immediate project area in which they are located. The following developments are defined as Developments of Regional Significance, unless otherwise exempted under the following provisions:

1. Non Residential Floor area: Exceeds 300,000 square foot of gross floor area, or an addition to an existing commercial, industrial, office, educational institution or health care facility¹

¹Educational institution (61) and health care facility (62) shall be any use as defined within the North American Industry Classification System - U.S. Department of Labor, or other similar use.

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. Traffic: Generates more than 1,000 total “peak hour” vehicle trips, or which generates the creation or use of 1,500 or more parking spaces, or which results 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. (Note: Former DRS threshold 4 above is relocated and subsumed here. See new standard 5.3.3.12.1. re traffic for all DRS development and this threshold in particular.)

3. Occupancy: Contemplates a capacity of 6,000 or more people.

4. Heavy Industrial²: Proposes any new mining, pipeline transportation, heavy manufacturing, electric power generation and transmission, chemical storage facility, waste treatment and disposal facility, or the expansion of an existing mining, pipeline transportation, heavy manufacturing, electric power generation and transmission, chemical storage facility, and waste treatment and disposal facility where the expansion exceeds thirty-five percent (35%) of the existing land area occupied, of the volume of materials processed, stored or mined, of the maximum power output of energy generated, or of an increase to the depth or height of the facility or use.

5. Residential: Proposes two hundred (200) residential development units - whether an addition to an existing development or a new development. This quantity shall include, and apply to, any mixture of residential dwelling units. This shall include, for example, but not be limited to, attached single family units or homes, detached single family units or homes, apartments, condominiums, cooperative units, and all residential units proposed as one part or component of a larger mixed use development proposal.

6. Mixed Use Floor Area: Proposes a mixed use development of 400,000 square feet or greater of gross floor area with residential units calculated at a maximum of 1,200 gross square feet per unit toward the total gross floor area of the development or if any individual use meets or exceeds any other threshold as identified on this list.

7. Water Table Exposure: Contemplates exposing the subsurface groundwater table for any purpose other than public water supply. Public and private wells are excluded from this provision.

8. PDD Without Development Rights: Is a Planned Development District proposal which does not require, propose or involve the redemption of Pine Barrens Credits.

²Mining (21), pipeline transportation (486), heavy manufacturing (324, 325, 326, 327), electric power generation and transmission (2211), chemical storage facility (493), waste treatment and disposal (5622) shall be any use as defined within the North American Industry Classification System - U.S. Department of Labor, or other similar use.

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 DRS development: 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.~~ *(Source: Staff and Advisory Committee recommendation, plus consistency with conversion or incorporation of guidelines into standards in Chapter 5.)*

4.5.5.3 DRS development: 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 DRS development: 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 DRS development: Default decisions

In the event that the Commission fails to make a decision within one hundred twenty (120) days, the development proposal shall be deemed to be approved by the Commission. *(Source: Staff recommendation for clarification.)*

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