



July 10, 2014

1

**TO:** Peter A. Scully, Chairman  
The Honorable Steven Bellone, Commission Member  
The Honorable Edward P. Romaine, Commission Member  
The Honorable Anna E. Throne-Holst, Commission Member  
The Honorable Sean M. Walter, Commission Member  
All Designated Representatives

**FROM:** John Pavacic, Executive Director

**RE:** Scenic, Cultural & Historic Resource CLUP Amendments Worksession

Dear Chairman Scully, Commission Members and Designated Representatives,

As was noted at the Commission's June 2014 worksession, we plan on continuing discussions during the July 16 Comprehensive Land Use Plan worksession on the proposed amendments pertaining to scenic, cultural and historic resources. Again, we ask that you bring with you to the July 16 worksession those CLUP-related documents previously sent to you, in particular the existing and proposed amendments to CLUP Chapter 5, Standards and Guidelines, and the remaining minor amendments to CLUP Chapter 6, Pine Barrens Credit Program.

As some questions have been raised in regard to the authority of the Commission to regulate matters which may impact scenic, cultural and historic resources, we are providing this memo along with some new information and are also re-circulating to you some related documents previously distributed to you in December of 2013. The following is a listing of these documents:

**Supporting Documents for Scenic, Historic & Cultural Resources amendments**

- 3 - ECL Article 57 Statutory Foundations of Scenic, Cultural & Historic Resource Elements in Central Pine Barrens Comprehensive Land Use Plan (7/10/14)
- 4 - CLUP Volume 2, Chapter 7: Cultural Resources: Historic and Archaeological
- 5 - CLUP Volume 2, Chapter 8: Scenic Resources & Appendix 4: Scenic Resources
- 6 - Summary of Wireless Communications Facilities in the Central Pine Barrens
- 7 - May 2005 Commission SEQRA Findings for Statewide Wireless Network
- 8 - NYS DEC Program Policy "Assessing and Mitigation Visual Impacts"
- 9 - New York State Scenic Byways
- 10 - National Scenic Byways Program
- 11 - New York State Adirondack Park Agency Rules and Regulations (2013) – definition and standards excerpts pertaining to scenic, cultural and historic resources
- 12- New Jersey Pinelands Comprehensive Management Plan (2012) – excerpted Part X: Scenic and Part XV: Historic, Archaeological and Cultural Preservation
- 13- Cape Cod Regional Policy Plan (2009) - excerpted sections on the protection of historic, cultural and scenic resources.

Peter A. Scully  
*Chair*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
www.pb.state.ny.us

The matrix entitled “*ECL Article 57 Statutory Foundations of Scenic, Cultural & Historic Resource Elements in Central Pine Barrens Comprehensive Land Use Plan*” is adapted from prior versions and shows the overall jurisdiction of the Commission in regard to scenic, cultural and historic resources. Of note are the ECL Article 57 references highlighted in red, particularly Sections 57-0121 (5) and 57-0121 (6) which indicate the State Legislature desired that these resources be accounted for and considered in the CLUP. Accordingly, CLUP Volume 2, Chapters 7 and 8 and Appendices 3 and 4, provided an inventory and framework for consideration and protection of these resources.

Recent discussions touched on the concept of “Tall Structures” and their implications, including visual effects. Accordingly, we have included a “Summary of Wireless Communications Facilities in the Central Pine Barrens” and the May 2005 Commission SEQRA Findings for the Statewide Wireless Network (SWN) to provide some background regarding prior Commission actions in regard to such structures and their effects.

The NYS DEC Program Policy “Assessing and Mitigation Visual Impacts” is again included for your review. The DEC developed this policy to address visual impact issues which arose during review of environmental permit applications, particularly for industrial and commercial projects which required environmental quality permits such as those for SPDES and air quality which often involved tall structures such as smoke stacks. This policy was also seen as facilitating and strengthening the consideration of visual impacts during a SEQRA review.

The information regarding New York State Scenic Byways, National Scenic Byways Program, Adirondack Park Agency Rules and Regulations, New Jersey Pinelands Comprehensive Management Plan and Cape Cod Regional Policy Plan provide additional state and federal perspectives in regard to the protection of scenic, cultural and historic resources. They may also be seen as an indication of the high degree of importance these government entities place on scenic, cultural and historic resources.

Furthermore, it should be noted that the consideration of studies and plans undertaken by the New Jersey Pinelands and the Cape Cod Commission, as indicated in the current set of revised amendments for scenic and cultural resources, was encouraged and promoted by the State Legislature as noted in the following excerpt from ECL Article 57:

***“§ 57-0121. Central Pine Barrens comprehensive land use plan; interim regulations.***

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

- (c) Scientific research prepared for other hydrological or ecological areas analogous to the reserve, generally, and the Central Pine Barrens area specifically. Such studies and reports may include, but are not limited to those undertaken by the **New Jersey Pinelands commission** or **Cape Cod commission**.”*

In total, these documents and reference materials and the proposed CLUP amendments regarding scenic, cultural and historic resources may be seen as aiding in the development of a “sense of place” for the Central Pine Barrens region.