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Ch 5
parking lot
excerpts

SUMMARY OF CLUP PARKING LOT ITEMS

EXCERPTS FROM

December 9, 2011

December 20, 2011 - updated with AC recommendations

5.3.3.1.2 Sewage treatment plant discharge

- Concern was raised in regard to the potential impacts of drawdown caused by STP operations on wetlands and streams in the Central Pine Barrens, such as in the Flanders and Riverside areas of the Town of Southampton.

New item. Bring to the Commission for consideration.

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

- If an STP discharge is outside of the Central Pine Barrens, it may result in impacts on the groundwater table.

Bring to the Commission for consideration.

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

AC ACTION: THE AC ADOPTED ANOTHER RESOLUTION RECOMMENDING THAT THE COMMISSION CONSIDER MAKING A REQUEST TO THE STATE LEGISLATURE TO AMEND ARTICLE 57 TO ADDRESS THE ADEQUACY OF SEWAGE TREATMENT PLANTS. LIBI ABSTAINED ON THIS RESOLUTION.

- The SGPA Plan discouraged STPs from the Central Pine Barrens. However, if adverse impacts on groundwater levels and wetlands result from the requirement to discharge outside of the Central Pine Barrens, the Commission may need to re-examine this requirement and its intent.

The Central Pine Barrens was included within the Central Suffolk SGPA which was divided into three subareas: Western, comprising an area essentially north of the Long Island Expressway and west of the Brookhaven Town-Riverhead Town border, the Southern comprising the area south and east of the Western segment and south of the Peconic River (including that portion within the South Fork) and the Northern comprising the area north and east of the Western segment and north of the Peconic River (including that portion within the North Fork). The "Problems and Concerns" section of the Central Suffolk SGPA discussion (pages 3-73 and 3-80 of the SGPA Plan) states:

“Sewage treatment plants (STPs) are a major category of point sources within the SGPA. There are 28 existing and 10 proposed STPs. Not all existing plants have tertiary treatment (nitrogen removal) but operator of all those with flows over 30,000 gpd are now required to upgrade to include denitrification...The ability of existing tertiary plants to produce effluent meeting the 10 ppm drinking water standard for nitrate has been inconsistent at best, due primarily to inconsistent operation and maintenance. Shallow groundwater quality downgradient of these plants often reflects their suboptimal performance, and the potential for impacting water supplies, both public and private, clearly exists...”

The discussion of the Western Sector on page 3-83 states “There is a great need to upgrade and expand sewage treatment, especially in the northwestern portion of the area. As indicated in the County sponsored North Central Brookhaven Waste management Study, both expansion and consolidation are technically feasible. If sewerage could be extended to serve existing higher density and new developments and effluent quality could be assured, groundwater quality would be improved.”

Under “Recommendations” on page 3-84, the SGPA Plan states “Suffolk County should continue its efforts to upgrade, consolidate and expand sewage collection and treatment within the northwestern portion of this sector.”

Accordingly, it appears the SGPA plan did not recommend an outright prohibition on STPs in the Central Pine Barrens but recommended upgrades of STPs and expansion of sewage treatment where appropriate along with ensuring consistency in the quality of effluent generated by existing STPs.

5.3.3.1.5 Nitrate-nitrogen

- Identify the origin of density criteria, clarify the residential and non-residential equivalent requirements and clarify how they are applied to projects.
- Provide background to support the 2.5 mg/l goal and quantifiable evidence this is the goal the CLUP aims to achieve or should it be more or less restrictive, based on scientific evidence.

The origin of the 2.5 mg/l guideline is based on a number of prior water resource studies specific to Long Island as well as studies, guidance and regulations generated by other, similar public entities in the northeastern United States.

The New Jersey Pinelands National Reserve, a joint Federal-State designated environmental preservation and management area, was created in 1978, some 15 years before our own Central Pine Barrens. The New Jersey Pinelands is a region with natural and physical features very similar to those of the Central Pine Barrens. The New Jersey Pinelands Commission prepared and adopted a Comprehensive Management Plan

(CMP) in 1981. Both the establishing statutes and this plan served as models for the Central Pine Barrens.

The Pinelands CMP, in recognition of the significance and fragility of its potable groundwater aquifer (again, similar to our own) acknowledged that some aspects of land use development could have significant adverse impacts on groundwater quality. This included the effects of nitrates generated by wastewater treatment systems. Accordingly, the CMP instituted a groundwater standard of 2.0 mg/l for nitrate-nitrogen, which was also applied to surface water and determined that this was the maximum concentration that could be allowed in order to ensure protection of groundwater and surface water quality. Individual on-site wastewater treatment systems for new single-family residential development on individual lots were required to meet the 2.0 mg/l standard, unless the lot was at least 3.2 acres in size. In such cases, individual lots equal to or greater than 3.2 acres in size could be developed with a maximum of one dwelling unit and could use a conventional on-site wastewater treatment system, as dilution analyses determined that a density of 1 dwelling unit per 3.2 acres would produce a nitrate-nitrogen concentration of 2.0 mg/l.

One of the oldest but nevertheless important examples of these studies is The Long Island Comprehensive Waste Treatment Management Plan (1978), more commonly known as the "208 Study" as it was prepared pursuant to authorization under Section 208 of the Federal Water Pollution Control Act Amendments of 1972 (also known as the Federal "Clean Water Act"). One of the key elements of the 208 Study was its division of the groundwater aquifer underlying Long Island into Hydrogeologic units or zones based on both the existing quality of groundwater in these areas and whether or not groundwater recharge was predominantly vertical ("deep recharge") or horizontal ("shallow recharge"). The 208 Study proposed a series of recommendations, some of which were applicable to the entire aquifer and others specific to a particular Hydrogeologic Zone. The majority of the most sensitive deep-recharge zone identified in the 208 Study, Hydrogeologic Zone III, is coincident with the Central Pine Barrens.

The 208 Study identified nitrate-nitrogen as a key contaminant to be managed. Chapter 3 of Volume I of the 208 Study, entitled "Alternative Wastewater Management Programs" provided a detailed discussion of the significance of nitrate-nitrogen. Section 3.2, "Identification of Wastewater Management Needs," discusses both the importance of nitrate-nitrogen as a surrogate for other contaminants and the Federal drinking water limit of 10 mg/l which serves as a maximum threshold to be measured against:

"There exists a Federal drinking water standard of ten milligrams NO₃-N per liter. Nitrogen is the only parameter common to almost all public health and natural resource concerns for which total loadings can be calculated. Control of this contaminant from each source will in many cases lead to reduction or elimination of other pollutants."

Later, this finding is reiterated in this section with the following statement:

“As described previously, groundwater is the sole source of drinking water on Long Island. Therefore, if the public health standard is to be satisfied, the nitrate-nitrogen concentration in groundwater should not exceed ten milligrams per liter.”

In a subsequent part of Section 3.2, the discussion focuses on the need to developing a nitrate-nitrogen standard or guideline of less than 10 mg/l based on the fact that levels of nitrate vary; there are therefore times at which the 10 mg/l standard will be exceeded at specific locations and, as a result, establishing a standard lower than 10 mg/l (based on public health impacts) will reduce the number of exceedances of the 10 mg/l level:

“...Groundwater quality on Long Island is highly variable both in time and from place to place. In order, therefore, to satisfy the drinking water standard, this variation should be accommodated. A statistical analysis of groundwater data, obtained from wells in Nassau County, indicated that if the mean nitrate-nitrogen concentrations in the Upper Glacial aquifer was six milligrams per liter, then there is a 90 percent chance that well samples will contain levels of nitrate-nitrogen less than ten milligrams per liter.”

Although this result is preliminary, it is a useful criterion for managing the Region’s nitrogen sources in a manner that ensures that the drinking water standard of ten milligrams per liter will probably not be violated in the Upper Glacial aquifer.”

Volume II of the 208 Study entitled “Summary Documentation,” devoted an entire portion to this issue in Section 5, “Nitrates.” The analyses discussed in Subsection 5.6, entitled “Assessment of Nitrogen Source Effects on Groundwater Quality,” included a study of the relationship between population density and associated nitrate-nitrogen concentrations in groundwater.

The 208 Study also went beyond a narrow focus on the public health implications of high levels of nitrate-nitrogen and therefore also examined the impacts of nitrate-nitrogen on surface water quality, which receives its freshwater inputs from Long Island’s groundwater, and the overall ecological health of Long Island’s marine environments:

“Surface water quality analyses, undertaken within the 208 program, have demonstrated that levels of oxygen are largely determined by algal respiration and photosynthesis, and by the utilization of oxygen in the bacterial decomposition of dead algal material and other detritus. Large diurnal fluctuations of oxygen are highly undesirable. In particular, larvae of shellfish and other juvenile fish are vulnerable to low levels of oxygen. Given the dependence of algal production on nitrogen, it follows that controls that limit nitrogen will in turn reduce the range of oxygen fluctuations.”

“...The results show that a total nitrogen concentration of 0.4 milligrams per liter or less...will minimize diurnal fluctuations in dissolved oxygen levels.”

Section 3.2.1 of the 208 Study re-emphasizes the importance of Hydrogeologic Zone III and provides a general summary of measures that should be undertaken to protect this zone:

“Zone III is an area of low density, primarily non-agricultural land use, which still has good quality groundwater in both the Upper Glacial and Magothy aquifers. Median nitrate-nitrogen concentrations in water from wells in this area have always been low. Moreover, since the hydraulic conductivity of both aquifers are high, there is considerable potential for water supply development in this zone. This zone should be protected by applying land use restrictions, as well as strict pollution source controls. In this zone, control of non-point sources is necessary for the protection of the resource itself, and the entire zone should be governed by non-degradation regulations.”

In Section 3.3.1.1, the 208 Study examined a range of potential alternatives to conventional wastewater treatment systems in order to address water quality impacts of existing systems and regulatory criteria. The 208 Study noted “...an attempt was made to correlate traditional population density with nitrate-nitrogen (NO₃-N) concentrations in the Upper Glacial aquifer. Although the results were not statistically conclusive, they indicated that population density was an important factor that had to be considered in establishing sewer service areas. The Study went on to note that “...protection of the Magothy, potential for on-lot systems failure and protection of surface waters-were combined to develop the various sewerage alternatives.” Alternatives examined for Hydrogeologic Zone III included requiring sewerage at densities as low as 1 dwelling unit per acre.

Section 5 of the 208 Study, entitled “Preferred Plan Alternatives,” reduced the menu of alternatives to those felt to be most appropriate. Subsection 5.2, “Recommendations by Hydrogeologic Zone and Surface Water Element” provided the specific recommendations for each Zone. For Hydrogeologic Zone III, the recommendations were as follows:

“Structural Recommendations

- 1. Require collection and treatment at densities of one or more dwelling units per acre in those areas where large lot development and preservation of existing large land holdings are infeasible due to existing or planned development.*
- 2. Require advanced wastewater treatment with nitrogen removal for treatment plants recharging effluent to ground or surface waters.*

Non-Structural Recommendations

1. *Land use controls should be the primary method for protecting this valuable groundwater resource. Where residential development is allowed, require large lot development (two acre zoning or greater. Encourage the preservation of existing large land holdings, and natural vegetation."*

As is noted in the non-structural recommendations above, two-acre zoning was recommended for Hydrogeologic Zone III, which equated to an average nitrate-nitrogen concentration of between 2 and 3 mg/l.

Article 6 of the Suffolk County Health Code, which determines the maximum density of residential development allowed to utilize individual on-site wastewater treatment systems and which established a wastewater flow of 300 gallons per day for single-family dwellings, is based on the work of the 208 Study and also serves as a basis for the CLUP. The 300 gallon per day calculation is based on population density equivalents and mass loading of nitrogen for a single-family residence (assuming approximately 3 persons per dwelling unit). Although the more recent invention of "low-flow" plumbing may have reduced overall hydraulic flow, SCDHS has advised that the concentration has increased and mass loading has not changed. Although household size has changed somewhat over time, more recent analyses have upheld the 208 Study's calculations that a density of 1 dwelling per acre would produce a nitrate-nitrogen concentration in groundwater of 4 mg/l and that a density of 2 dwelling units per acre would produce a concentration of 6 mg/l.

In 1983, Hughes and Porter, of the Cornell University Water Resources Program in its Center for Environmental Research, published a report entitled "Land Use and Ground Water Quality in the Pine Barrens of Southampton." The majority of the study area was located in the present-day Central Pine Barrens and included portions of both the present-day CGA and Core. The study stated its main purpose as "...to provide a sound technical basis so that management decisions in the Pine Barrens can be based on preservation of the quality of the recharge to ground water." The study examined the impacts of various land uses on groundwater quality, including sewage and fertilizer.

The Hughes and Porter study made certain land use category classifications, with the low density residential category of R1 defined as 0 to 2 dwellings per acre and 2.7 persons per acre and higher residential density category of R2 defined as 2 to 5 dwellings per acre and 9.5 persons per acre. It found that the R1 land use category generated an overall nitrogen concentration in recharge of 4.7 mg/l and the R2 category generated an overall nitrogen concentration in recharge of 9.3 mg/l.

Building on the 208 Study's analysis of the probability of exceeding the 10 mg/l drinking water standard Hughes and Porter reiterated that if the average nitrate concentration generated by development were 6 mg/l, there was a 90% probability that the 10 mg/l drinking water standard would not be exceeded at any one time but at 3 mg/l there was a 99% probability that the 10 mg/l standard would not be exceeded and at 2 mg/l only a 99.9% probability. In Section 5.2 of their report, entitled "Suggested Criteria," Hughes and Porter stated:

“Six mg/l has been used as a planning standard in areas where significant degradation has occurred and expensive remedial measures such as sewerage are being considered. However, this criterion still allows 1 water sample in 10 to violate the standard. In a critical aquifer recharge area the goal of planning is to keep all of the water drinkable virtually all of the time. Therefore, in this case, a more stringent criterion seems appropriate.”

Hughes and Porter also noted the need to maintain surface water nitrogen concentrations below 0.4 mg/l to ensure dissolved oxygen levels remained high enough so as not to adversely impact fish. In addition, they observed that:

“The New Jersey Pinelands Commission adopted a standard of 2 mg/l for discharges to ground water in the New Jersey Pinelands (an ecological system similar to the Long Island Pine Barrens), with the intent of preventing eutrophication of fresh water wetlands.”

As a result, Hughes and Porter, made the following recommendation:

“Taking all these factors into account, we suggest that either 2 or 3 mg/l would make a reasonable planning criterion for nitrogen discharges to groundwater.”

The subsequent Brown Tide Comprehensive Assessment and Management Program (“BTCAMP”) of 1992 built upon the work of the 208 Study and went further in attempting to assess and analyze the causes of the brown tide in the Peconic Bay system which adversely impacted its bay scallop population and overall ecological health. The BTCAMP study was featured prominently in the analyses conducted in the GEIS prepared for the 1995 Central Pine Barrens Comprehensive Land Use Plan (the “CLUP”) and served as one of the bases for the standards, guidelines and recommendations of the CLUP.

As a significant portion of the contributing groundwater watershed and surface watershed lies within the Central Pine Barrens, including the headwaters of the Peconic River, the BTCAMP study closely examined the impacts of development on groundwater and surface waters in the Peconic Bay system and watershed. Page v of the BTCAMP study states:

“Specific recommendations include a minimum zoning of two acres per unit in the Peconic River region to protect the excellent surface water quality in the river, which is dependent on groundwater quality.”

The BTCAMP study emphasized the significance of nutrients, such as nitrate-nitrogen, in their impacts on surface water quality and ecological health in the Peconic Bay system and watershed. Section 7 of the BTCAMP Summary, entitled “Summary of Findings, Conclusions and Recommendations,” in building upon the work of the 208 study, noted:

“...the L.I. 208 Study marine water quality guideline of 0.4 mg/l total nitrogen should be modified to 0.5 mg/l for Flanders Bay and the tidal portions of the

Peconic River so that a water quality standard of 5.0 mg/l dissolved oxygen may be maintained in these areas.”

This section also stated:

“However, modeling analysis (Cornell, 1983) and field sampling (L.I. 208 Study, Comprehensive Water Resources Management Plan) have indicated that a development density of 1.0 unit per acre (less than or equal to 1 unit per acre is defined as low density) would result in an average groundwater nitrogen concentration of 0.5 mg/l. A density of 0.5 units per acre (i.e., two-acre zoning) would result in a nitrogen recharge concentration of approximately 2.6 mg/l. Additional benefits could be realized through the use of fertilizer controls or even lower densities.”

In a section entitled “Summary of Recommendations, Prevention of Degradation – Peconic River and Flanders Bay,” the BTCAMP Summary states the following:

“To prevent future, substantial degradation of groundwater and, subsequently, Peconic River surface water, developable residential land in the Peconic River groundwater-contributing area should be upzoned to a minimum of two acres. Developable commercial, industrial and institutional land uses should be controlled such that the nitrogen impacts on groundwater are comparable to that of two-acre residential zoning. Additional natural resource protection could be attained by even more stringent land use controls, such as three to five acre zoning.”

Finally, during the preparation of the CLUP, a number of committees and working groups were established to focus on specific areas. One of these was the Hydrology Committee which focuses on groundwater and surface water resources. In its deliberations, the Hydrology Committee received a number of communications. One of these was an October 20, 1994 letter from the SCDHS to the Commission (attached). In this letter, the SCDHS urged that the CLUP be made consistent with SCDHS Article 6 criteria, including reducing its proposed 6 mg/l groundwater standard for nitrogen and residential density requirements to coincide with Article 6. The letter reiterated that a 6 mg/l standard would equate to a 1 dwelling unit/.5 acre density whereas 4 mg/l would equate to a 1 dwelling unit/1 acre density. The October 20, 1994 letter also stated that the more stringent standard of 2 to 3 mg/l, equivalent to a density of 1 dwelling unit per 2 acres, and proposed in the BTCAMP study and by the Peconic Estuary Program be adopted for that portion of the Central Pine Barrens located within the groundwater contributing area of the Peconic River. These recommendations were also reiterated and reaffirmed in an October 14, 1994 letter from the Peconic Estuary Program’s Policy Chair who was also the director of the US Environmental Protection Agency’s Water Management Division (attached).

A comment was expressed that the supporting documentation provided did not include a review of the recently released Suffolk County Comprehensive Water Resources Study for justifying

the 2.5 mg/l standard. It was explained that that original comment on this item requested a review of the history leading up to the 2.5 mg/l standard, not a review of emerging research or evidence relevant to this standard.

- The 2.5 mg/l standard does not apply to existing or background nitrate-nitrogen concentrations. It applies to proposed projects and any future expansions of those projects that exceed 2.5 mg/l. *It was suggested that this additional clarifying language be added to the standard.*

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

5.3.3.3 Wellhead and groundwater protection

Suggest adding language that applicants must demonstrate compliance of their projects with the standard.

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

5.3.3.3.1 Significant discharges and public supply well locations

- Develop language to apply this as a Standard.
- Address how project impacts will be evaluated when a project site falls within a SWAP groundwater contribution area.
- Is SWAP information accessible?
- Provide background on the origin of proposed changes in this Standard.

The Central Pine Barrens Advisory Committee discussed the potential use of SWAP data at its meeting November 14, 2006. At the meeting, the Chair of the AC (also the CEO of the SCWA) noted that there were new groundwater models (SWAP or Source Water Assessment Plan maps) which were more accurate and would provide for increased protection of groundwater wells. During the AC meeting of August 2, 2007, the Chair of the AC indicated that use of SWAP maps would allow SCDHS to review potential impacts of sewage treatment plant location on source water areas and would allow SCDHS, as well as developers, to adjust such STP locations accordingly. The AC approved the use of SWAP information at its meeting of August 2, 2007. All of these discussions were believed to be an outgrowth of the work on Source Water areas being conducted by SCDHS, with the assistance of the SCWA. The work was intended to better define the actual parts of the underlying aquifer which contributed groundwater to a particular drinking water well. The actual source water areas could vary based on the depth of a well, location of a well, well size, specific aspects of the water-bearing strata and other factors.

Commission staff is currently reaching out to Suffolk County Department of Health for input on their review process.

The Commission office is currently researching and seeking to clarify the availability of SWAP data in conjunction with the Suffolk County Department of Health Services. A similar

example was discussed, which was the process by which an applicant obtains sensitive NYS Natural Heritage Program data and gaining access to sensitive or proprietary information. If SWAP data are made available to an applicant, it may be necessary to issue caveats regarding the interpretation of the data and the model that created the SWAP maps. Such caveats would include the fact that the SWAP information is a snapshot in time and is subject to change as changes occur in such factors as active/inactive wells, pumpage rates, etc... SWAP maps are dynamic and must be continuously updated to ensure accuracy. SWAP maps are one tool to examine the potential environmental impacts of a land use development project. An additional comment was made that perhaps SWAP map information could be released only to qualified individuals, such as Professional Engineers.

AC ACTION: THE AC TABLED THIS ISSUE. LIBI STATED THAT SWAP INFORMATION SHOULD BE PROVIDED TO ALL AS IT NEEDS TO BE UTILIZED BY VARIOUS ENTITIES INCLUDING DEVELOPERS AS WELL AS COMMUNITY ORGANIZATIONS.

5.3.3.3.2 Private well protection

- Clarify language in the Standard to measure impacts related to compliance with this Standard.
- Research origin of change to identify wells within a “500” foot radius of a well site (as SCDHS only requires 150 feet). Should the radius be larger, smaller, or remain 500 feet?
- The location of such private wells should be shown on development applications and made a requirement of a complete application.

It was explained that the 200 foot separation distance is a state standard that is still current and not obsolete. It is based on the horizontal separation distance from contaminants of concern with regard to public supply wells.

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

5.3.3.4 Wetlands, surface waters and stormwater runoff

- Applications must include the identification and delineation of any and all Federal, State, and locally regulated wetlands. Any wetlands present on a site must be illustrated on any site plan, subdivision map, or any plans included in an application.
- The Stormwater Pollution Prevention Plan requirements found in Town Codes should be referenced here.

Bring to the Commission for consideration.

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

5.3.3.4.1 Non-disturbance buffers

- Revise language that refers to larger buffers and implementation (*which states “The Commission reserves the right to require a stricter and larger nondisturbance buffer as warranted in a specific instance.”*) to state that Towns can also require or impose a stricter or and larger buffer.

Bring to the Commission for consideration.

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

- Need to add that Commission can require restoration within disturbed areas of buffers, such as to restore native vegetation as in the case of LIPA, on applications that come before the Commission (for projects that do not comply with the Standards and over which a Town has no authority). Once the disturbed area within the buffer is successfully revegetated, then that portion should be deemed “non-disturbance.”

A comment was made that the Commission staff should prepare a list of revegetation successes and failures. It was explained that the Commission’s Compliance and Enforcement Coordinator staff position has allowed the Commission to follow up on conditions of approval such as revegetation projects.

Recent projects that have demonstrated success in revegetation plans include the Flowerwood Development Corporation Compatible Growth Area Hardship and the LIPA Riverhead Substation Expansion Core Preservation Area Hardship. The majority of other development projects reviewed by the Commission in the last five years that required revegetation are still pending including:

Location of Revegetation Project	Core Preservation Area	Compatible Growth Area
Town of Brookhaven	American Physical Society Core Hardship	<ul style="list-style-type: none"> • Artist Lake Plaza CGA DRS • Dayton Ave • Flowerwood Development Corp. CGA Hardship • Hamptons Club at Eastport CGA Hardship • Longwood Library CGA Hardship • The Meadows at Yaphank CGA DRS • Willow Wood at Coram CGA Hardship
Town of Riverhead	Nassau County Boy Scout Camp Wauwepex	Walgreens at Wading River CGA Hardship
Town of Southampton	LIPA Riverhead Substation Expansion Core Hardship	N/A

May need additional guidelines based on conditions of soil type (e.g. mineral soil versus topsoil), etc.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THE PROPOSAL AND COMMENTS, WITH LONG ISLAND PINE BARRENS SOCIETY, LIBI AND OPEN SPACE COUNCIL ABSTAINING.

- Move last sentence in this Standard related to compliance, which states “*Compliance with this standard shall only be determined to exist by the Commission upon receipt of final, official copies of all New York State Department of Environmental Conservation and municipal permit(s) and satisfaction of any conditions on such permits*” to the beginning of the chapter and apply to the whole chapter.
- Concern expressed with last new phrase which begins “*Compliance with this standard shall only be ...*” Requiring this standard could cause a default approval in some cases.
- Suggest changing language in the last part of the paragraph, which begins “*Compliance with this standard shall only be ...*,” to refer only to non-conforming projects under Commission review.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THE PROPOSAL AND COMMENTS, WITH THE PROVISIO THAT THE COMMISSION CODIFY ITS EXISTING PRACTICES AND THAT THE TIMING OF APPROVALS BY OTHER AGENCIES BE CLARIFIED.

5.3.3.4.4 Reduction of Impervious Surfaces

- Consider incorporating the intent and goal(s) of this Standard into the Open Space Standard where it may be more applicable.
- Revise last sentence of standard to say “Landbanked parking shall not be counted toward meeting the open space standard.”

Bring to the Commission for consideration.

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

5.3.3.4.5 Natural recharge, drainage, and ponds

- Where recharge basins are referenced in this Standard, add the word “constructed” to distinguish between natural and constructed areas.
- The Standard aims to encourage natural drainage areas and should distinguish between natural drainage areas and constructed areas. However, it should be clear that regardless of the “construction,” drainage areas are considered part of the developed area and subject to Standards.

Bring to the Commission for consideration.

- Remove word “significant” in this Standard.
- Consider moving this Standard into or cross-referencing this Standard with the Open Space Standard where it may be more applicable.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THE PROPOSAL AND COMMENTS AND THAT THE PHRASE "MAY BE CONSIDERED" BE PART OF THE LANGUAGE REVIEWED BY THE COMMISSION.

5.3.3.4.6 Soil erosion and stormwater runoff control during construction

Stronger language is suggested and the insertion of a statement that projects must comply with EPA Phase 2 Stormwater requirements.

Concern was expressed about the requirement that an applicant file a Stormwater Pollution Prevention Plan (SWPPP) with the Commission if the Towns are already implementing the EPA Phase 2 requirements and are already reviewing SWPPPs.

AC ACTION: THE AC ADOPTED A RESOLUTION TO RECOMMEND THAT THE COMMISSION CONSIDER THE PROPOSAL AND COMMENTS, SUBJECT TO THE GENERIC LANGUAGE TO BE CONSIDERED AT THE BEGINNING OF CHAPTER 5 WHICH STATES THAT ALL OTHER REQUIREMENTS MUST BE MET.