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Excepted Appendices  
for ch 5  
(7/17/13)

## **5. Standards and Guidelines for Land Use Appendices**

### **5.3.3.1 Sanitary waste, nitrate-nitrogen and other chemicals of concern**

#### ***Standards***

Mr Jones stated that the Health Department should have a chance to review SWAP maps before the decision is made regarding placement of sewage treatment plants. He made the point that SWAP maps are an effective tool in educating builders about the best placement of sewage treatment plants to protect ground water. The addition to the language of section 4.5.5.1 helps to establish thresholds.

Mr. Jones stated that the revisions to CRAs came from Brookhaven Town under the Supervisor's signature. The AC policy is that CRA nominations coming from the towns would not be subject to the committees review.

Mr. Jones asked for final comments on chapter 4. Mr. Weibold stated that the L.I. Builders Industry disagrees with the language of #7. Mr. Amper stated that historically the Commission has never opposed a development in a CRA.

Mr. Corwin reiterated that the final Plan has not been drafted yet and the purpose of this meeting is to get input from the committee while changes to the Plan are still being made. The AC is trying to determine its over all support of the concepts in the Plan revision.

**Mr. Jones asked for a resolution approving the changes to chapter 4. The motion to approve chapter 4 was made by Bob Herrick and seconded by Henry Bokuniewicz the motion was carried. Bob Wiebolt and Joe Gergela were opposed.**

**Mr. Jones noted there are disagreements among the members about the wording of #7 and additional work on that section should be done by Commission staff.**

#### **Chapter 5: Standards and Guidelines for Land Use**

Mr. Corwin stated that the many of the changes in chapter 5 were the result of prior AC meetings.

Chapter 5 items discussed were:

- On section 5.1 the last paragraph; it was decided that present land uses wording not be stricken.
- Section 5336 Unfragmented Open Space Standard was reworded. The proposal is to integrate wording for clearing standards with the open space standard. A discussion ensued.
- Section 5.3.3.1 rewording was discussed. Mr. Corwin explained that this wording was included as an introduction to standards applied to this section.
- Section 5.3.3.1.3, Suffolk County Sanitary Code Articles 7 and 12 compliance, and section 5.3.3.1.4, Commercial and industrial compliance with Suffolk County Sanitary Code, were added to clarify previous standards that were relocated in chapter 5. Mr. Corwin reiterated that these sections were previously agreed upon.

### 5.3.3.1.1 **Suffolk County Sanitary Code Article 6 compliance**

02/17/10 - For those standards that incorporate another agency's approvals as a PB Plan standard, added provision that Commission confirmation of compliance with these is only effective upon receipt of those agencies' permits. Affects 5.3.3.1.1., others

#### 5.3.3.1.2 Sewage treatment plant discharge

**5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance**

02/17/10 - For those standards that incorporate another agency's approvals as a PB Plan standard, added provision that Commission confirmation of compliance with these is only effective upon receipt of those agencies' permits. Affects 5.3.3.1.3., others.

Mr Jones stated that the Health Department should have a chance to review SWAP maps before the decision is made regarding placement of sewage treatment plants. He made the point that SWAP maps are an effective tool in educating builders about the best placement of sewage treatment plants to protect ground water. The addition to the language of section 4.5.5.1 helps to establish thresholds.

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5.3.3.1.4     **Commercial and industrial compliance with the Suffolk County Sanitary Code**

02/17/10 - For those standards that incorporate another agency's approvals as a PB Plan standard, added provision that Commission confirmation of compliance with these is only effective upon receipt of those agencies' permits. Affects 5.3.3.1.4, others.



#### 5.3.3.1.5 **Nitrate-nitrogen**

03/15/10 - Converted remaining guideline (5.3.3.1.5) into a standard applicable to DRS and CRA projects.

03/16/10 - Advisory Committee met regarding Plan changes since their last review, provided comments on changes to Chapters 4, 5 and 6, and voted to recommend the changes. Added changes from today's AC meeting to Chapter 5: 5.3.3.1.5 to remove "goal" from title and include assertion projects.

## Review of Plan Amendment Draft for Chapter 5

Mr. Corwin then distributed and discussed the new Chapter 5 changes (attached), with the Committee:

- Supporting conversion of guidelines into standards to reflect how these Plan elements will be applied when they are mandatory, to remove conflicts, and to remove overlaps.
- Supporting conversion of the agriculture and horticulture guideline to a policy statement
- Recommending that the Commission establish a non regulatory “stewardship benchmark” for agriculture and horticulture to assess progress with best management practices adherence over time.
- Supporting the nitrate-nitrogen standard of 2.5 ppm to protect surface water quality and wetlands for CRA, DRS and “assertion of jurisdiction” projects near wetlands, with the LI Builders Institute (LIBI) objecting.
- Supporting use of Source Water Assessment Plan data for development review.
- Supporting the private well protection standard.
- Supporting nondisturbance buffers greater than State requirements where warranted.
- Supporting a single modified, combined natural recharge, drainage and ponds standard.
- Supporting mandatory redemption of Credits per the Clearinghouse 4/22/09 resolution, and negotiation among Towns and the Commission regarding the percentage, with the LIBI objecting to including the Clearinghouse recommendation. LIBI prefers to have this section blank until the issue is settled.
- Recommending incorporating ECL Article 49 reference in description of entities to receive and manage open space.
- Supporting the bird conservation and protection standard.
- Supporting the modified slope standard provided a table is included showing mitigation measures for the >10% to 15% grade range.
- Supporting the dark sky compliance standard.
- Supporting the scenic, historic and cultural resource standards.
- Supporting roadside standard for adjacent development and also their consideration when reviewing road widening proposals related to DRSs.
- Supporting traffic and air quality standards provided that development reviews and recommendations are consistent with the purposes of the Pine Barrens Act.

*A motion was made by Mr. Amper and seconded by Mr. Casey to recommend these modified Plan amendments changes to the Commission, with the Long island Builders Institute objections noted above included. The motion was approved unanimously.*

## Advisory Committee recommendations for Chapter 9 changes

Mr. Jones noted that there are no staff recommendations pertaining to Chapter 9. A discussion ensued regarding the North Shore Properties and Calverton redevelopment policies.

5.3.3.2

Reserved

### 5.3.3.3 Wellhead and groundwater protection

*Standard*

### Proposed 206-2007 Plan Amendments

Mr. Jones introduced a written synopsis of items that need to be addressed on the proposed amendments to the 1995 Plan. He previously met with Commission staff and discussed some Plan amendments already proposed and talked about the format of the Plan. A decision had been made to leave the format of the 1995 Plan intact and a suggestion to have Plan amendments presented as strike outs (items to be removed) or underlines (items to be added).

Mr. Jones presented seven items in the handout he thought there would be a general consensus on and could be discussed briefly before moving on to other items that require a more in depth discussion.

Mr. Limoli answered Mr. Wieboldt's question of whether the handout represents all of the changes to the Plan by stating that so far they have primarily focused on Chapter 4 and 5 of the Plan and have not continued beyond those chapters.

Mr. Wieboldt and Mr. Meringolo expressed their individual concerns about how redefining wording and making changes to the Plan could have adverse affects on the organizations they represent. Mr. Jones assured everyone that the Commission staff will provide the amendments in their entirety as requested. A discussion ensued.

Mr. Jones reviewed each of the seven proposed consensus items that were individually discussed. Modifications were made to the following items:

3. Tall Structures: Criteria should be established to protect birds as well as the view sheds. The topic criteria relates to tall strictures in the Compatible Growth area and not in the Core of the Central Pine Barrens. There was a suggestion to check on viewshed standards in other areas of the country.
4. Invasive Species: Change wording "a management and removal program" to "encourage native plants and discourage invasive plants".
5. Wellhead Protection: The existing Plan has a standard that should be modified to incorporate new groundwater models.
7. Stormwater run-off: Change wording from "latest techniques" to "best management practices". Discussed a revision to encourage more natural systems.

A vote was taken on each item. All 7 items and the above modifications were approved by the AC members.

Mr. Jones proceeded to discuss topic 8 that relates to the standard for soil and topography. Mr. Limoli provided an overview of the standard to include a prohibition of creating or disturbing slopes greater than 25%. A discussion ensued on why this is needed if there are existing engineering techniques to overcome difficulties with building on 25% slopes or greater. This recommended change to the standard was not passed. The suggestion was made to check the SEQRA regulations concerning slopes for further guidance on this item. Mr. Jones went on to discuss topic 9, a new concept for the creation of Hamlet Centers. Mr. Limoli introduced the topic and it was decided that a more in depth discussion is required and the topic was tabled.

Topic #10 introduced a new standard and guidelines for reduction of impervious surfaces. Mr. Limoli provided an overview of the topic and the purpose to redevelop previously developed sites with large parking areas. Landbanking was suggested as a measure to comply with the town code for parking spaces.

On topic #11 Open Space Requirement, a modification was introduced on existing clearing standards that would include promoting conservation design. Conservation design is a method of site design that emphasizes the preservation of natural, historic, or other significant features while allowing a parcel to be developed to a potential yield. It was decided the AC would need to be provided with a table that shows clearance standards versus open space requirements.

Topic 12, introduced by Mr. Limoli discussed the existing Plan definition of Developments of Regional Significance and then introduces additional types of development that would be considered a DRS. Mr. Limoli reviewed existing and new items. A discussion ensued concerning the purpose of the DRS designation as defined by the Plan. Bob Wieboldt expressed concern over the impact that redefining thresholds could have on the building industry.

### **Adjournment**

***A motion was made by Kim Darrow and seconded by Susie Husted to adjourn the meeting. The motion was approved unanimously.***

The next meeting will be held on Tuesday, December 12<sup>th</sup>, 8:30 a.m. at the SCWA Coram Training Center. Mr. Jones indicated that a workshop session would also be set up on Wednesday, December 6<sup>th</sup> at the Central Pine Barrens office for further discussion on the Plan update recommendations.

Mr. Jones opened the meeting by stating that the purpose of this AC meeting is to take a final look at the proposed amendments to chapters 4 and 5 of the Plan, so that it's advice can be passed along to the Commission. There have been some resolutions passed by the AC and Mr. Jones asked the members to focus on unresolved issues so as not to revisit past decisions. Chapters 4, 5 and 6 will be open to discussion as well as DRS and currently established thresholds, clearing standards, open space standards and CRA's. The Credit Clearinghouse Advisory Committee will be focusing on Chapter 6 which includes the Transfer of Development Rights program and will give its recommended revisions to the Commission.

#### **Chapter 4; Review Procedures and Jurisdiction**

Ray Corwin continued with the work started by Tony Limoli on Chapters 4 and 5. He made changes on Chapter 4; specifically to the section involving Critical Resource Areas which were the result of previous resolutions passed by the AC. Most changes in CRAs came from Brookhaven Town under the Supervisor's signature and some minor changes came from Southampton Town through Mr. Marty Shea.

The tall structures limit was raised to 50' to avoid an excess amount of project reviews by the Commission.

The Committee discussed specific additions and changes and members talked about the rationales behind the modifications. Sections cited during this discussion are as follows:

- The addition of 4.3.5.1; Interpretation of Non Development Provision. Prior Commission meeting minutes were reviewed which resulted in this change to limit the number of times a parcel is eligible for subdivision without review by the Commission.
- Changes were made to section 4.5.5.1, the definition of DRS which prompted a discussion on the DRS threshold. A discussion ensued regarding quantifying the impact of sewage flow in these areas.

Mr. Jones stated that drinking water standards are continually changing and what may not have been seen as a problem in the past may be one now. Mr. Jones suggested reviewing this section further to decide if there were any more disagreements on changes to the DRS thresholds section. A discussion ensued and the following sections were discussed.

- The addition of #4 which refers to specific types of development.
- The addition of #10 and what constitutes PDDs.

A discussion ensued as to how the additions to this section may enhance the Commission's ability to review projects which do not propose to retire Pine Barrens Credits..

Mr Jones stated that the Health Department should have a chance to review SWAP maps before the decision is made regarding placement of sewage treatment plants. He made the point that SWAP maps are an effective tool in educating builders about the best placement of sewage treatment plants to protect ground water. The addition to the language of section 4.5.5.1 helps to establish thresholds.

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- Section 5.3.3.5 Nitrate-nitrogen goal. A discussion ensued regarding the scientific rational and existing buffer zones referred to in the language of this section. Mr. Corwin explained the difference between standards and guidelines, stating that standards are definitive and more restrictive.
- Section 5.3.3.3, Wellhead and groundwater protection, has a new introduction to the standard. SWAP data will be used to further clarify this addition.
- Section 5.3.3.4.3 Stormwater recharge. Mr. Weibold questioned this addition. Mr. Corwin stated the AC made a prior recommendation that resulted in this addition. It was decided that this section would remain in its original text.
- Section 5.3.3.4.4 Impervious Surfaces. Mr. Corwin explained that this addition resulted from the need to address new applications on existing construction and added that the newly worded open space / clearing space standards apply to these applications. Mr. Weibold disagreed with Commission jurisdiction in existing development and challenged the new wording of this section. A discussion ensued that resulted in altered language.
- Section 5.3.3.4.5. Natural recharge, topography and drainage. The last section of this section will remain a guideline. A discussion ensued regarding the creation of ponds. Mr. Jones made the point that a pond is a man made creation and is subject to the same restrictions placed on other forms of building in the Central Pine Barrens. Mr. Corwin made the suggestion that creation of ponds require approval on a case by case basis.

**Mr. Jones asked for approval of the prior minutes. Mr. Amper made the motion to approve the minutes, Mr. Weibold seconded, they were approved unanimously.**

Mr. Jones asked for a discussion on section 5.3.3.6, Coordinated design for open space and habitat protection. Mr. Corwin referred to page 24 section 5.3.3.10.1 stating that this statement in the Plan referring to agriculture has not changed. Mr. Gergela was asked for his suggestions on how to update this section and he requested a meeting with Mr. Corwin and Mr. Jones for that purpose. A discussion ensued.

The next meeting was scheduled for September 5<sup>th</sup> at 8:30.

#### **Adjournment**

***The meeting was adjourned at 11:45 without a formal adjournment resolution.***

## CENTRAL PINE BARRENS ADVISORY COMMITTEE

*Stephen M. Jones, Chair*  
*Richard L. Amper, Vice Chair*

### Meeting of Thursday, September 5, 2007

*(Final minutes - approved 2/11/09)*

Suffolk County Water Authority Coram Training Center  
2045 Route 112, Building 5, Coram, New York  
8:30 am

#### Advisory Committee Members present:

- Brookhaven Civic Representative: Thomas Muller
- Long Island Board of Realtors: Robert Herrick
- Long Island Builders Institute: Robert Wieboldt
- Long Island Farm Bureau: Joseph Gergela
- Long Island Pine Barrens Society: Richard Amper (Vice Chair), Joanne Schmitt
- Peconic Land Trust: John Halsey
- Stony Brook University: Henry Bokuniewicz
- Suffolk Alliance of Sportsmen, Inc.: John Meringolo
- Suffolk County Water Authority: Stephen Jones (Chair)

#### Others Present:

- Commission / SCWA Staff: Ray Corwin, Judy Jakobsen, Carol Sholl, John Milazzo, Julie Hargrave
- NYS DEC Staff: John Pavacic, Bill Spitz
- Suffolk County Planning: Andrew Freleng (Vice Chair of Pine Barrens Credit Clearinghouse Board of Advisors)

Mr. Jones called the meeting to order at 8:40 am with a quorum present.

#### Proposed Pine Barrens Plan Amendments Discussion

A discussion began surrounding Chapter 4 and past resolutions. Mr. Jones stated that modifications were made during the last AC meeting on Chapter 5 and that we should continue with a discussion on the remainder of Chapter 5. At the last meeting 5.3.3.4.5. was broken into two pieces and a change is being made to the revised version.

Mr. Jones mentioned that the Source Water Assessment Program (SWAP) map data may be a useful tool for the Wellhead and Groundwater Protection Section 5.3.3.3. A discussion ensued

regarding the use of SWAP maps and their role in this revised standard.

1. Section 5.3.3.3 Wellhead and groundwater protection: The introductory language in this section was discussed.
2. Section 5.3.3.6 Coordinated design for open space management and habitat protection: Wording changed to “Revegetation may be used as a mitigative tool”. New language was discussed on that section. Julie Hargrave and John Halsey gave recommendations to Mr. Corwin on specific language.
3. Section 5.3.3.6.1.4: Mr. Wieboldt suggested an addition to this provision regarding the treatment of land that has been previously cleared for purposes of environmental remediation. That will be presented to the Commission, since it would alter an existing specific resolution of the Commission.
4. Section 5.3.3.6.3 Unfragmented open space: A discussion ensued about the justification for a percentage of open space remaining fragmented. The use of the word “prioritize” was discussed and Mr. Weiboldt made objections that were noted by Mr. Jones.
5. Section 5.3.3.6.2: Language was changed in the second paragraph to incorporate Mr. Halsey’s suggestions re the section on Conservation Design.
6. Figure 5-1 of Chapter 5: Brookhaven Town should justify the requested change to the clearing percentage in the 40,000 sq. ft. zoning lot size entry of this table.
7. Section 5.3.3.8.1 Minimal site disturbance: A discussion ensued regarding slope standards in all 3 towns.
8. Section 5.3.3.6.6 Receiving entity and protection for open space dedications: The list of mechanisms for protecting open space was reworded.
9. Section 5.3.3.9 Dark sky compliance: The issue of light pollution and how it affects habitat was raised but no change was made.
10. Section 5.3.3.1.1.1 Tall Structures: An adjustment was made by staff from the prior version raising the height threshold for tall structures to 50 feet. This change eliminates the need for projects under 50' to be reviewed by the Commission.
11. Table 6-2 of Chapter 6: Mr. Weiboldt took issue with the numbers in this table. Mr. Jones suggested that Chapter 6 be reviewed by the Pine Barrens Credit Clearinghouse Board of Advisors, and that Mr. Wieboldt should check with his organization’s members to discuss credit allocations in this chart.

#### 5.3.3.3.1 **Significant discharges and public supply well locations**

03/09/10 - Clarified standard 5.3.3.3.1 regarding public supply well consideration to remove “nearby” and reference the wells’ surface contributing areas.

### 5.3.3.3.2 **Private well protection**

03/11/10 - Converted 5.3.3.3.2 re private well protection to a standard.

#### **5.3.3.4 Wetlands, surface waters and stormwater runoff**

##### *Standards*

#### 5.3.3.4.1 **Nondisturbance buffers**

01/14/10 - Clarified 5.3.3.4.1 wording from “must” to “shall”.

02/17/10 - For those standards that incorporate another agency’s approvals as a PB Plan standard, added provision that Commission confirmation of compliance with these is only effective upon receipt of those agencies’ permits. Affects 5.3.3.4.1, others.

03/08/10 - In 5.3.3.4, incorporated the “Additional nondisturbance buffers” guideline into the text of Standard 5.3.3.4.1, “Nondisturbance buffers”, and renumbered the following two guidelines re “Natural topography ...” and “Soil erosion and stormwater ...”.

**5.3.3.4.2 Wild, Scenic and Recreational Rivers Act compliance**

02/17/10 - For those standards that incorporate another agency's approvals as a PB Plan standard, added provision that Commission confirmation of compliance with these is only effective upon receipt of those agencies' permits. Affects 5.3.3.4.2, others.



**5.3.3.4.3**    **Stormwater recharge**

01/14/10 - Clarified 5.3.3.4.3 regarding approval of off site stormwater discharge.

- Section 5.3.3.5 Nitrate-nitrogen goal. A discussion ensued regarding the scientific rational and existing buffer zones referred to in the language of this section. Mr. Corwin explained the difference between standards and guidelines, stating that standards are definitive and more restrictive.
- Section 5.3.3.3, Wellhead and groundwater protection, has a new introduction to the standard. SWAP data will be used to further clarify this addition.
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- Section 5.3.3.4.4 Impervious Surfaces. Mr. Corwin explained that this addition resulted from the need to address new applications on existing construction and added that the newly worded open space / clearing space standards apply to these applications. Mr. Weibold disagreed with Commission jurisdiction in existing development and challenged the new wording of this section. A discussion ensued that resulted in altered language.
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**Mr. Jones asked for approval of the prior minutes. Mr. Amper made the motion to approve the minutes, Mr. Weibold seconded, they were approved unanimously.**

Mr. Jones asked for a discussion on section 5.3.3.6, Coordinated design for open space and habitat protection. Mr. Corwin referred to page 24 section 5.3.3.10.1 stating that this statement in the Plan referring to agriculture has not changed. Mr. Gergela was asked for his suggestions on how to update this section and he requested a meeting with Mr. Corwin and Mr. Jones for that purpose. A discussion ensued.

The next meeting was scheduled for September 5<sup>th</sup> at 8:30.

#### **Adjournment**

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#### 5.3.3.4.4    **Reduction of Impervious Surfaces**

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#### 5.3.3.4.5    **Natural recharge, drainage, and ponds**

03/11/10 - Modified 5.3.3.4.5 regarding natural recharge, drainage and ponds to incorporate habitat reference, distinguish new ponds as not meeting the open space standard, and eliminated the separate "natural topography" guideline as superfluous. Reworded soil erosion and stormwater runoff guideline into a standard requiring the filing of such plans with the Commission. Combined the old Soils guidelines into one new standard, removing possible conflicts among the former, separate elements.

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- Commission / SCWA Staff: Ray Corwin, Judy Jakobsen, Carol Sholl, John Milazzo, Julie Hargrave
- NYS DEC Staff: John Pavacic, Bill Spitz
- Suffolk County Planning: Andrew Freleng (Vice Chair of Pine Barrens Credit Clearinghouse Board of Advisors)

Mr. Jones called the meeting to order at 8:40 am with a quorum present.

#### Proposed Pine Barrens Plan Amendments Discussion

A discussion began surrounding Chapter 4 and past resolutions. Mr. Jones stated that modifications were made during the last AC meeting on Chapter 5 and that we should continue with a discussion on the remainder of Chapter 5. At the last meeting 5.3.3.4.5. was broken into two pieces and a change is being made to the revised version.

Mr. Jones mentioned that the Source Water Assessment Program (SWAP) map data may be a useful tool for the Wellhead and Groundwater Protection Section 5.3.3.3. A discussion ensued

regarding the use of SWAP maps and their role in this revised standard.

1. Section 5.3.3.3 Wellhead and groundwater protection: The introductory language in this section was discussed.
2. Section 5.3.3.6 Coordinated design for open space management and habitat protection: Wording changed to “Revegetation may be used as a mitigative tool”. New language was discussed on that section. Julie Hargrave and John Halsey gave recommendations to Mr. Corwin on specific language.
3. Section 5.3.3.6.1.4: Mr. Wieboldt suggested an addition to this provision regarding the treatment of land that has been previously cleared for purposes of environmental remediation. That will be presented to the Commission, since it would alter an existing specific resolution of the Commission.
4. Section 5.3.3.6.3 Unfragmented open space: A discussion ensued about the justification for a percentage of open space remaining fragmented. The use of the word “prioritize” was discussed and Mr. Weiboldt made objections that were noted by Mr. Jones.
5. Section 5.3.3.6.2: Language was changed in the second paragraph to incorporate Mr. Halsey’s suggestions re the section on Conservation Design.
6. Figure 5-1 of Chapter 5: Brookhaven Town should justify the requested change to the clearing percentage in the 40,000 sq. ft. zoning lot size entry of this table.
7. Section 5.3.3.8.1 Minimal site disturbance: A discussion ensued regarding slope standards in all 3 towns.
8. Section 5.3.3.6.6 Receiving entity and protection for open space dedications: The list of mechanisms for protecting open space was reworded.
9. Section 5.3.3.9 Dark sky compliance: The issue of light pollution and how it affects habitat was raised but no change was made.
10. Section 5.3.3.1.1.1 Tall Structures: An adjustment was made by staff from the prior version raising the height threshold for tall structures to 50 feet. This change eliminates the need for projects under 50’ to be reviewed by the Commission.
11. Table 6-2 of Chapter 6: Mr. Weiboldt took issue with the numbers in this table. Mr. Jones suggested that Chapter 6 be reviewed by the Pine Barrens Credit Clearinghouse Board of Advisors, and that Mr. Wieboldt should check with his organization’s members to discuss credit allocations in this chart.