

5. Standards and Guidelines for Land Use

5.3.3.1 Sanitary waste, nitrate-nitrogen and other chemicals of concern *(Source: Sections 5.3.3.1 (originally titled "Nitrate-nitrogen"), 5.3.3.2 (originally titled "Other chemical contaminants of concern"), and 5.3.3.12 (originally titled "Commercial and industrial development")) were combined for clarity due to their topical overlap. Standards and guidelines were therefore relocated and renumbered as described below and on succeeding pages. New text.)*

Nitrate-nitrogen, a contaminant that emanates from numerous types of land uses, is a recognized indicator of groundwater quality. The Suffolk County Department of Health Services abides by the New York State nitrate-nitrogen standard for drinking water. In addition to the specific standards for nitrate-nitrogen, other contaminants of concern may be relevant in specific applications or in specific areas. This is particularly true for organic contaminants of anthropogenic origin. *(Source: New text added due to merger of sections.)*

Standards

5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance
All development proposals subject to Article 6 of the Suffolk County Sanitary Code ("Realty Subdivisions, Developments and Other Construction Projects") shall meet all applicable requirements of the Suffolk County Department of Health Services. Development Pprojects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard. Compliance with this standard shall only be determined to exist by the Commission upon receipt of a final, official copy of the Suffolk County Department of Health Services permit(s). *(Source: Staff recommendation for clarification.)*

5.3.3.1.2 Sewage treatment plant discharge
Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. ~~Denitrification~~ Treatment systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant. *(Source: Staff recommendation for clarification.)*

5.3.3.1.3 Suffolk County Sanitary Code Articles 7 and 12 compliance
All development projects must comply with the provisions of Articles 7 ("Water Pollution Control") and 12 ("Toxic and Hazardous Materials Storage and

Handling Controls”) of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction. Compliance with this standard shall only be determined to exist by the Commission upon receipt of a final, official copy of the Suffolk County Department of Health Services permit(s). (Source: No change, except for addition of clarifications in parentheses, and requirement to submit the final SCDHS permit(s) to the Commission. Relocation of prior standard 5.3.3.2.1 for clarity.)

5.3.3.1.4 Commercial and industrial compliance with the Suffolk County Sanitary Code

All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Development projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard. Compliance with this standard shall only be determined to exist by the Commission upon receipt of a final, official copy of the Suffolk County Department of Health Services permit(s). (Source: No change except for addition of “Development” before “projects”, and requirement to submit the final SCDHS permit(s) to the Commission. Relocation of prior standard 5.3.3.12.1 for clarity.)

Guideline

5.3.3.1.3

5.3.3.1.5

Nitrate-nitrogen goal

For development which is a Development of Regional Significance as defined in this Plan, or which is within a Critical Resource Area as defined in this Plan, or is the subject of an assertion of jurisdiction by the Commission pursuant to the Act, A more protective goal of two and one half (2.5) ppm ~~may~~shall be achieved for new development projects through an average residential density of one (1) unit per two (2) acres (or its non-residential equivalent), through clustering, or through other mechanisms to protect surface water quality for development projects in the vicinity of ponds, other surface waters and wetlands. (Source: Renumbering based upon Staff and Advisory Committee recommendation. Addition of “development” adjective and “other surface waters” suggested by Commission staff for clarity.)

5.3.3.2 Other chemical contaminants of concern Reserved

~~In addition to the specific standards for nitrate-nitrogen above, other contaminants of concern may be relevant in specific applications or in specific areas. This is particularly true for organic contaminants of anthropogenic origin. (Source: The preceding introductory text was struck. The standard below was relocated above as 5.3.3.1.3. This section number is now reserved for possible future use to minimize renumbering of succeeding sections.)~~

Standard

~~5.3.3.2.1~~ **Suffolk County Sanitary Code Articles 7 and 12 compliance**

~~All development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.~~

5.3.3.3 Wellhead and groundwater protection

~~The New York State Department of Health advocates the exclusion of potentially contaminating activities from an area extending for 200 feet in all directions from a well site. Although this may have been considered adequate to prevent the rapid drawdown of bacterial contamination or its entry into groundwater through poorly constructed wells, it does not necessarily ensure an adequate level of protection against the suite of organic and inorganic pollutants that may threaten community water supplies. (Source: Original text is outdated.)~~

The federal Safe Drinking Water Act (SDWA) Amendments of 1996 created a Source Water Assessment Plan (SWAP) to evaluate existing and potential threats to the quality of public drinking water supplies throughout the United States. Source water assessments were performed for all public water supplies in Suffolk County, in accordance with the final New York State SWAP Plan prepared by the New York State Department of Health and approved by the United States Environmental Protection Agency (USEPA) in November of 1999. The potential for existing land uses and regulated activities located within each well's source water area to introduce contaminants to the aquifer was evaluated using various computer modeling and data research tools. The assessments provide a reminder that the activities of Suffolk residents living above their water supply have the potential to impact source water quality.

It is important to remember that the source water assessments only indicate the potential for contamination of a supply well, based on the likelihood of the presence of contaminants above ground in the source water recharge area and upon the possibility that any contaminants present can migrate down through the aquifer to the depth at which water enters the well screen¹. Therefore, utilization of the SWAP information is presently on an advisory basis to evaluate

¹Long Island Source Water Assessment Summary Report (2003) produced for the New York State Department of Health by CDM (engineering firm).

potential impact of existing and proposed activities within the Central Pine Barrens. (Source: *New text.*)

Standard

- 5.3.3.3.1 **Significant discharges and public supply well locations**
The location of ~~nearby~~ public supply wells and their surface contributing areas shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17. As part of the application review process, staff shall consider information readily available through the Source Water Assessment Plan (SWAP) when determining potential public groundwater well impacts. (Source: *New text incorporating latest knowledge of source of water to public supply wells.*)

Guideline

- 5.3.3.3.2 **Private well protection**
The Suffolk County Department of Health Services' guidelines for private wells should be used for wellhead protection.

5.3.3.4 ~~Wetlands and surface waters~~ Wetlands, surface waters and stormwater runoff
(Source: *Sections 5.3.3.4 (originally titled "Wetlands and surface waters") and 5.3.3.5 (originally titled "Stormwater runoff") were combined for clarity due to their topical overlap. Standards and former guidelines were therefore relocated and renumbered as described below and on succeeding pages.*)

Freshwater wetlands that exist within the Central Pine Barrens are considered to be an important natural resource, providing flood and erosion control, the filtering of contaminants and sediments from stormwater runoff, and habitat for plants and wildlife.

Tidal wetlands existing within the marine environment bordering portions of the Central Pine Barrens are equally valuable natural resources. These wetlands support the reproduction of finfish and shellfish, provide habitat for waterfowl, and contribute a scenic quality that supports recreational economies.

Surface waters, including freshwater ponds, lakes, streams, rivers, and creeks, occur throughout the Central Pine Barrens. These are considered to be resources of significant value in economic, aesthetic and ecological terms. Their protection is judged to be vital to the dynamics of the pine barrens.

Development of lands within the pine barrens inevitably results in an increase of runoff water following precipitation. Runoff water originating from the roofs of buildings, from driveways and from parking lots is usually discharged directly to subsurface dry wells situated on the

building lot. However, the great volume of runoff water originating from paved streets and roads is usually discharged by pipes into large open recharge basins or sumps, as also sometimes occurs in regard to parking lots. These basins may cover several acres and require the removal of considerable native vegetation to the detriment of the site's ecology and aesthetics. (Source: Pre-existing text relocated from original 5.3.3.5., addition of parking lots is a staff recommendation)

Standards

5.3.3.4.1

Nondisturbance buffers

Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters shall be separated by a nondisturbance buffer area which shall be at least that required by the New York State Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers Act or local ordinance, whichever is greater. The Commission reserves the right to require a stricter and larger nondisturbance buffer as warranted in a specific instance. Distances shall be measured horizontally from the wetland edge as mapped or determined by the New York State Department of Environmental Conservation, and/or the local municipality, as applicable. Development projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard. 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 Town permit(s) and satisfaction of any conditions on such permits. (Source: Staff recommendations for clarification.)

5.3.3.4.2

~~**Buffer delineations, covenants and conservation easements**~~

~~Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary: (Source: Relocated to Section 5.3.3.6, "Coordinated design for open space and habitat protection", with text change to broaden its applicability, and restated as 5.3.3.6.7.)~~

5.3.3.4.3

5.3.3.4.2

Wild, Scenic and Recreational Rivers Act compliance

Development shall conform to the provisions of the New York State Wild, Scenic and Recreational Rivers Act, where applicable. Development Pprojects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard. 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 Wild, Scenic and Recreational Rivers Act permit(s). *(Source: No change except for addition of “development” adjective for clarity suggested by staff, requirement to submit final WSRR permits, and renumbering.)*

5.3.3.4.3

Stormwater recharge

Development projects must shall provide that stormwater runoff originating from development on the property is recharged on site unless the Commission by waiver of this standard approves the discharge of the stormwater to a documented surplus capacity in an off site drainage system. *(Source: Relocation of prior standard 5.3.3.5.1, and clarification regarding when alternative off site discharges are allowed.)*

5.3.3.4.4

Reduction of Impervious Surfaces

Development project sites requesting new or expanded development that have been previously cleared and established with impervious surfaces shall reduce previously cleared areas, including impervious surfaces, to comply with the applicable open space standard. Permanent relaxation of excess parking spaces, removal of unused pavement areas, installation of tree pits and vegetative buffers may be counted towards meeting the open space standard. Temporary waivers of paving (e.g., landbanking) of parking shall not be counted toward meeting the open space standard. *(Source: New standard with staff clarification.)*

5.3.3.4.5

Natural recharge, drainage, and ponds

Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation and preserve the native habitat shall be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation, and shall count towards satisfaction of Standard 5.3.3.6.2. Creation of ponds shall require approval from the Commission under this standard, but creation of ponds shall not count towards satisfaction of Standard 5.3.3.6.2. *(Source: This combines former 5.3.3.5.2 “Natural recharge and drainage”, 5.3.3.5.3 “Ponds”, and 5.3.3.5.4 “Natural topography in lieu of recharge basins”, and restates them as a single unified standard. It also incorporates the stipulation agreed to at the 9/5/07 Advisory Committee meeting that natural areas designated for this purpose shall count towards the new open space standard, while requiring that native habitat not be destroyed.)*