



September 12, 2013

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

**FROM:** John Pavacic

**RE: Mandatory Pine Barrens Credit Redemption CLUP Amendment**

Peter A. Scully  
*Chair*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

Dear Chairman Scully, Commission Members and Designated Representatives:

This memo is submitted to provide an overview in regard to the proposed Central Pine Barrens Comprehensive Land Use Plan (CLUP) Amendment for a mandatory credit redemption requirement.

**Overview**

The proposed mandatory credit redemption amendment has been discussed by the Commission over the course of the last several years. This includes a hearing the Commission conducted in March of 2011 and a number of worksessions the Commission conducted through the fall of 2012.

The proposed CLUP Amendment would cause the existing Credit Program contained in the 1995 Comprehensive Land Use Plan to transition from a voluntary program to a mandatory program for development projects located within the Compatible Growth Area. The amendment would require that development projects in the CGA redeem 15% of the excess density or intensity in the form of Pine Barrens Credits. The Credit Program, as delineated in the 1995 CLUP, envisioned the use of Pine Barrens Credits by the Towns for increases in intensity and density. The proposed Amendment changes the term voluntary to mandatory in reference to the Credit Program and Credit use. The remainder of the original groundwork that created the Credit Program, as contained in the CLUP, remains essentially unchanged and therefore has already been fully vetted in terms of the environmental analysis, required by the State Environmental Quality Review Act, that was prepared for the CLUP in 1995.

**Definitions of density and intensity.**

Chapter 6 of the CLUP already defines increases in "density" and "intensity." CLUP Section 6.4.1.2, *Increased density and increased intensity*, states:

*"Increased density" means an increase in the number of residential units. "Increased intensity" means an increase in the gross floor area of a nonresidential structure and/or use. Development in accordance with existing zoning regulations is not considered an increase in permitted land use intensity or density.*

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**SEQRA analysis**

The Supplemental Draft Generic Environmental Impact Statement dated April 26, 1995, the Final GEIS dated June 12, 1995, and the Findings Statement dated June 23, 1995, presented an economic analysis, an analysis of impacts on school districts and all other requirements of the SEQRA regulations. The proposed Amendment requires PBCs to be redeemed where the CLUP intended PBCs to be redeemed and supports the goals of the CLUP.

**Health Department review**

Under the proposal, PBCs will be required to be redeemed regardless of an applicant's obligation to meet the requirements of another agency's standards, such as Article 6 of the Suffolk County Department of Health Services. The proposed amendment is a mandatory requirement regardless of whether or not a sewage treatment plant is required.

**Attachments**

The other accompanying documents include the actual amendment language, the transcript of the March 2011 hearing, the document responding to comments generated by the March 2011 hearing, the Advisory Committee's recommendations and a compilation of excerpts from minutes and other documents pertaining to Commission meetings and worksessions during which the mandatory credit redemption proposal was discussed.