

Central Pine Barrens Comprehensive Land Use Plan

Amendments to Chapters 5 – Responses to Comments

(Note: This document excerpts only the Chapter 5 comments that were presented in a response to comments document distributed on 7/20/11, which also contained responses to comments on Amendments to Chapter 6 credit allocation formulas)

A. INTRODUCTION

This document summarizes and responds to all substantive verbal and written comments received during the public comment period on the proposed Central Pine Barrens Comprehensive Land Use Plan (CLUP) Amendments and through subsequent meetings with Town Boards and/or planning staff. The CLUP Amendments currently proposed include a mandatory credit redemption requirement in Chapter 5 (Standards and Guidelines for Land Use), a change to the non-residential credit allocation formula which clarifies limitations on Credit allocation in Chapter 6 (Pine Barrens Credit Program) and incorporation of ministerial clarifications in regard to Pine Barrens Credit allocations which serve to memorialize previously-adopted and corresponding Commission resolutions. The Central Pine Barrens Joint Planning and Policy Commission (“Commission”) held a public hearing on March 16, 2011 with the comment period held open for 30 days thereafter. The hearing transcript contains the verbal comments submitted at the hearing. In addition, the Towns of Riverhead and Southampton submitted written comment letters. Commission staff met with the Southampton Town Board on April 15, 2011, the Riverhead Town Board on May 19, 2011, and the Brookhaven Town Deputy Commissioner of Planning and Planning staff on June 9, 2011 to discuss their comments on the proposed Amendments. The comments from all of these meetings with the three Towns are incorporated herein and referenced accordingly.

Subsequent sections of this document deal with specific aspects of the comments. Section B of this response narrative identifies the persons who testified at the public hearings or provided written comments on the proposed Amendments. An overview of proposed Amendments is provided in Section C. Comments with corresponding responses on Chapters 5 and 6 are presented in Sections D and E, respectively. Since many of the comments were similar in subject matter, the comments were consolidated, grouped and categorized by topic. (All comments received are on file at the Commission office.) Appendix A contains the resolution adopted by the Commission on February 16, 2011, which scheduled a public hearing on these specific amendments and presented the textual changes which comprised the proposed amendments to Chapters 5 and 6. Appendix B contains the public hearing transcript. Appendix C contains copies of the written comments submitted to the Commission and one written letter prepared by Commission staff dated April 14, 2011 in reply to the Town of Southampton Planning staff’s verbal comments submitted at the hearing.

B. LIST OF GROUPS AND INDIVIDUALS WHO COMMENTED ON THE PROPOSED CLUP AMENDMENTS

Commentators

1. Richard Amper, c/o Pine Barrens Society
2. Jen Hartnagel, c/o Group for the East End
3. Diane Liere
4. Robert Liere
5. Johan McConnell
6. Mitch Pally c/o Long Island Builders Institute (LIBI)
7. Town of Brookhaven Planning staff
8. Town of Riverhead Town Board
9. Town of Southampton Planning staff

C. OVERVIEW OF CLUP AMENDMENTS TO CHAPTERS 5 AND 6

The proposed Amendment to Chapter 5 establishes a formula for a mandatory Pine Barrens Credit (PBC) redemption requirement. The amendment supports the goals and objectives of the Long Island Pine Barrens Protection Act (the “Act”) and CLUP and their implementation and achievement. These goals and objectives are expounded on in CLUP Chapter 6 (*Pine Barrens Credit Program*) which states:

“It is the primary purpose of the Pine Barrens Credit Program to maintain value in lands designated for preservation or protection under the Plan by providing for the allocation and use of Pine Barrens Credits (PBCs). The Pine Barrens Credit Program will also promote development which is compact, efficient and orderly, and which is designed to protect the quality and quantity of surface water and groundwater and the long term integrity of the pine barrens ecosystem.”

One of the proposed Amendments to Chapter 6 incorporates into the CLUP a Pine Barrens Credit allocation formula for nonresidential property. Other proposed changes to Chapter 6 are simply ministerial changes that were approved by Commission resolution based on recommendations from the Credit Clearinghouse Board that relate to credit allocation limitations such as the parcel status as of 1995, parcels split between the Core and CGA, partially developed parcels, and parcels that are overlapped.

Chapter 5 Amendment: Mandatory Pine Barrens Credit Redemption

The Pine Barrens Credit program serves as one tool or mechanism, aside from acquisition, which helps ensure the protection of the Core Preservation Area by redirecting development from privately held lands in the Core to the CGA and beyond. Developers purchase PBCs for development projects that involve increases in land use density or intensity above what is normally allowed under the Town's zoning code. The 1995 CLUP envisioned the redemption of PBCs to occur in a municipality's review of an applicant's request to increase land use density or intensity in a development project.

The SEQRA record for the 1995 CLUP, which included the Generic Environmental Impact Statement and Findings Statement, contained the required environmental analyses for the PBC Program including, but not limited to, potential impacts on school districts, PBCs from the Core, and the number of additional dwellings that would be developed in each school district.

The Pine Barrens Credit Clearinghouse Board initially contemplated a mandatory redemption requirement of 50% of the excess amount of development (i.e., the amount over and above the as-of-right land use density or intensity). The remaining 50% of the excess development would have been left to a Town's discretion for consideration of public benefits that a Town might deem appropriate and within its authority in connection to a project.

After feedback was received from the Towns and the building community and additional discussions occurred at Clearinghouse meetings, the Clearinghouse reduced the proposed rate of mandatory credit redemption from 25% then more recently to 15% of the increase in land use density or intensity. The proposed redemption rate percentage was reduced over time out of concern expressed by developers and the Towns as to the financial implications this requirement would have on future development projects, particularly where the Towns may require public community benefits in addition to the mandatory PBC redemption policy.

The proposed Amendment supports and re-affirms the CLUP provisions that currently exist. The concept of the redemption of PBCs in cases of increased land use density or intensity is not new to the CLUP nor to the completed environmental review that preceded the adoption of the CLUP.

D. COMMENTS ON CLUP AMENDMENTS TO CHAPTER 5

Land Use Density or Intensity

Comment 1: The CLUP should define what "an increase in land use development or intensity" is pursuant to the CLUP standards. Consider how the terms are defined and used by the three Towns in the Central Pine Barrens. For

example, would BZA variance applications that increase the number of lots above permitted density be required to redeem PBCs under the amendment? **(Town of Southampton letter)**

Response: Section 6.4.1.2 of the CLUP already defines increases in “density” and “intensity.” This section states:

“Increased density” is an increase in the number of residential units. “Increased intensity” is 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 density or intensity.’

Furthermore, both the CLUP and its GEIS contemplated proposed increases in density and intensity of land use would serve as a basis for increasing and facilitating PBC use and redemption. The existing CLUP already contains sections which provide guidance in this regard. For example, CLUP Section 6.5.3.3 (*Incentive Zoning Districts*) outlines the policies that apply to the use of said districts for the redemption of PBCs. In addition, the use of PBCs in designated Receiving Areas and the adoption and implementation of redemption schedules in Town Codes provide the mechanisms to calculate the number of PBCs that may be redeemable in a project that proposes an increase in land use density or intensity.

In regard to actions being contemplated by Boards of Zoning Appeals (BZAs), requests to a BZA for relief to increase land use density or intensity on parcels in the Central Pine Barrens must comply with the Act and the CLUP. It should be noted, though, that only the Commission has the authority to grant relief from the Act and the CLUP. No other agency’s authority, including that of a Board of Zoning Appeals, supersedes the Commission’s authority to grant waivers from the Act or CLUP.

Pine Barrens Credits

Comment 1: The Commission should prepare a baseline analysis of how many PBCs remain in each Town. Each Town should demonstrate their own ability to absorb PBCs within their own jurisdiction and include each potentially affected hamlet and school district, as well as other districts and infrastructure in a comprehensive analysis. The amount of receiving capacity in the CGA portions of the Towns should be evaluated and the analysis should consider how much density can be absorbed in each Groundwater Management Zone required by SCDHS. **(Town of Southampton letter)**

Response:

The Program will not create additional PBCs beyond the number of PBCs analyzed in 1995. CLUP Section 6.5, *Pine Barrens Credit use planning*, established a minimum 1:1 ratio of sending area to receiving capacity necessary to accommodate the absorption of credits in receiving districts. CLUP Section 6.5.2.1 states, “*The Commission recognizes that a change in zoning upon a town board’s own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barren Credit Program.*” According to CLUP Section 6.5.2, each Town must demonstrate a sufficient quantity of receiving areas so that they will be able to accommodate at least two and one half times the number of PBCs available for allocation within the Town. This 2.5:1 ratio of receiving area capacity to sending area ensures that each PBC in each Town can be accommodated in its Town of origin. At a minimum, if each Town redeemed all of the PBCs generated in each Town, then the Town would be considered to have met its obligations to the Program and the applicable provisions could sunset.

The Towns have a continuing obligation to comply with and monitor the minimum 1:1 ratio requirement to ensure absorption capacity exists in receiving area districts. This obligation began with the passage of the Act and the subsequent affirmation of the CLUP by each of the three Towns.

The Commission staff will continue to work closely with the Town of Southampton in reviewing the Town’s receiving capacity relative to sending areas as part of the environmental analysis. The Towns already possess GIS databases which they are able to update on a regular basis to prepare this analysis.

Each Town identified receiving areas that were designated and adopted in the CLUP. For example, the Town of Brookhaven designated all A-1 Residential (one acre) and A-2 Residential (two acre) zoned parcels as receiving areas, which includes parcels located outside of the Central Pine Barrens, to absorb Pine Barrens Credits. Although each Town identified specific Receiving Areas (RAs) considered “as of right” (RAs including general zoning districts where PBCs could land without additional discretionary approval being required), theoretically, PBCs can land on any project site (particularly in the CGA) where an increase in land use density or intensity is proposed. The RAs were established to represent areas where the Towns envisioned growth to occur. In addition, RAs were designated with special consideration to receive PBCs and the approval of the use of PBCs in these designated “as of right” areas for up to a 20% increase in density could be approved at the Planning Board level.

Comment 2: An analysis should be performed by the Commission to determine how many credits could potentially be sterilized as a result of the proposed Amendments. **(Town of Southampton letter)**

Response: The goal of the PBC program is to provide options for the transfer of all PBCs from the Core. The number of PBCs that could be generated and transferred was previously analyzed in the 1995 SEQRA review.

Comment 3: Mandating the use of Pine Barrens credits increases their value, need, and demand. **(Pine Barrens Society)**

Response: The comment is noted.

Comment 4: It would be egregious to require the Town to require a developer to pay both for sewer hook-up fees and purchase development credits. **(Town of Riverhead letter)**

Response: Towns may impose other requirements on developers, including sewer connection fees; however, development projects must comply with the Act and the CLUP, and other Town requirements cannot preclude the Commission from establishing measures to meet the goals and objectives of the Act and the CLUP. The obligation to protect the Core is one to which all three Towns agreed at the inception of the Act and confirmed once more upon their adoption of the CLUP in 1995. This remains a continuing obligation and duty of each of the three Towns.

Comment 5: Can Pine Barrens Credits only go into the CGA or can they go into another area of the Town? **(Johan McConnell)**

Response: Pine Barrens Credits (PBCs) can be used anywhere in the Town, with the exception of the Core Preservation Area. Each of the three Town's Zoning Codes contains a Central Pine Barrens Overlay District in which each refers to transferring PBCs outside of the Core. Furthermore, the Towns established receiving areas for PBCs.

PBCs are permitted to cross municipal boundaries into other Towns, even those located outside the Central Pine Barrens. SCDHS allows PBCs to be transferred across Town lines subject to the permission of both the sending and receiving Town, as evidenced by redemptions at the SCDHS to satisfy sanitary requirements. As of January 1, 2011, 42.56 PBCs crossed a municipal (Town or Village) boundary. Out of these 42.56 PBCs, 25.6 of the PBCs crossed a Town boundary (into Towns both inside and outside of the Central Pine Barrens).

Comment 6: Pine Barrens Credits have no value and are not just compensation for property. **(Robert Liere)**

Response: Pine Barrens Credits (PBCs) do have value as evidenced by sales in 2011 where PBCs sold from \$80,000 to \$90,000 per Credit (which occurred during an economic downturn).

Pine Barrens Credit Program

Comment 1: An evaluation should be made by the Commission of whether the three Towns currently permit the transfer of PBCs across municipal boundaries, including the transfer of credits from one school district to another. **(Town of Southampton letter)**

Response: According to CLUP Section 6.4.4.2, the Town of Southampton limits the transfer of PBCs across school district boundaries. It should be noted that PBCs have crossed municipal boundaries between the three Towns and outside of the three Towns to satisfy SCDHS sanitary requirements. SCDHS requires that both sending and receiving Towns approve the transfer of credits. As of 1/1/2011, 42.56 PBCs cross a municipal (Towns and Villages) boundary. Out of the 42.56 PBCs, 25.6 of the PBCs crossed a Town boundary (inside and outside of the Central Pine Barrens).

Comment 2: Clarification should be made that the proposed Amendments do not apply to the adopted as of right Residential Area Development Districts (RADDs). **(Town of Southampton letter)**

Response: The proposed Amendments do not apply to the existing, adopted as of right RADDs designated in the CLUP.

Comment 3: Not enough PBCs have been redeemed in the last 15 years. With the proposed Core expansion for the Carmans River Watershed Protection Plan, at the current rate, it would take 91 years to redeem the PBCs available. **(Diane Liere)**

Response: The Commission proposes to establish a mandatory credit redemption provision in the CLUP in order to facilitate the rate of redemption.

Comment 4: Not enough PBCs are available in the Town of Riverhead to satisfy the redemption policy, which would make the Town of Riverhead reliant on the Towns of Brookhaven and Southampton to obtain PBCs. **(Town of Riverhead meeting)**

Response: At a minimum, if the Town of Riverhead successfully retired the PBCs that originated in the Town of Riverhead, the Program in Riverhead could sunset. The Commission will analyze adding a sunset clause to the mandatory redemption requirement.

Comment 5: The Town of Riverhead owns Core property. Can it obtain Pine Barrens Credits? **(Town of Riverhead meeting)**

Response: Pursuant to CLUP Section 6.3.3.1, a Town cannot apply for and receive PBCs from Town-owned Core property.

Comment 6: It has been difficult for applicants to cross Town lines to land Pine Barrens Credits. **(Town of Riverhead meeting)**

Response: The CLUP does not contain a specific policy on the transfer of PBCs within the Town and across Town lines and does not dictate a Town's policy on the inter- and intra-Town transfer of PBCS.

Comment 7: The Town of Riverhead requires the purchase of agricultural development rights where increases in density or intensity are proposed. However, the Health Department does not recognize them as providing conformance (for the increased intensity or density) to Sanitary Code standards, as it does for PBCs. **(Town of Riverhead meeting)**

Response: This comment should be addressed to the SCDHS.

Pine Barrens Credit Receiving Areas

Comment 1: The Town of Riverhead does not plan to downzone a Receiving Area site. **(Town of Riverhead meeting)**

Response: The comment is noted.

Carmans River Watershed Protection Plan

Comment 1: The increase in Pine Barrens Credits proposed by the Carmans River Plan would actually increase the demand and increase the value of PBCs. **(Pine Barrens Society)**

Response: The comment is noted.

Public Benefits

Comment 1: LIBI supports the Amendments to require 15% redemption with the following conditions: 1) Redemption fully satisfies any and all requirements for “community benefits” or other public benefits that may be required by the municipality in which the increase in density or intensity application is pending. LIBI is very concerned over the connection between the sanitary flows being used as the basis for the increase in intensity/density of use within the compatible growth area; 2) The use of such a specific number of 300 gallons does not differentiate between types of uses, and assumes all sizes and bedrooms of single-family homes are the same. **(LIBI)**

Response: The Commission’s authority extends to subjects under its jurisdiction, which does not include community benefits that may be required by a Town for a project. The mandatory credit redemption policy would meet the intention of the CLUP that intended for the Towns to use PBCs for development projects involving increases in density or intensity above what is normally allowed by the Town. The mandatory credit redemption policy does differentiate based on the size and type of unit being constructed because it is based on SCDHS standards.

The Health Department density standards in Suffolk County Sanitary Code Article 6 are benchmarks that exist in the Central Pine Barrens region to quantitatively measure the increase in land use density or intensity on a project site. The document entitled, “Suffolk County Department of Health Services Division of Environmental Quality Standards for Sewage Disposal Systems for Other than Single-family Residences” contains a table entitled “*Table 1 – Project Density Loading Rates and Design Sewage Flow Rates,*” dated December 1, 2009, which lists nearly three pages of different land uses (e.g., municipal, medical, residential) of different sizes with different flow rates.

The 300 gallons per day (gpd) standard in Groundwater Management Zone III, in which the Central Pine Barrens is located, is a quantitative value to evaluate potential adverse impacts on groundwater resources. The Health Department standards in Article 6 do differentiate between types of uses and sizes of facilities. Therefore, the use of Health Department density standards to determine the amount of sanitary flow that would require PBCs to be redeemed is appropriate.

Comment 2: Public benefits are essential for the Town to administer. **(LI Pine Barrens Society)**

Response: Public benefits that apply to local communities are under the review and discretionary jurisdiction of the local implementing agency. The Act and the CLUP recognized regional benefits relative to groundwater and ecological resource regulation and protection. Local regulatory agencies will likely continue to contemplate and require local public benefits when an applicant proposes to increase land use density or intensity to which they are not directly entitled. The CLUP aims to fulfill the regional objectives established in the Act, which includes the goal to redirect development from the Core Preservation Area to the CGA and to areas outside of the Central Pine Barrens.

Comment 3: LIBI has created a draft formula for community benefits and refers to Town Law Section 261-b as containing community benefits that should be included in the formula. The formula includes defining community benefits as consisting of improvements (both on-site and off-site) that go beyond SEQRA-required mitigation measures, community benefits should only be required as an offset to the total value (to the developer) of the density increase, the purchase of PBCs for density increases in the CGA should fully satisfy the community benefit requirement, affordable housing should not be included within the mandatory PBC requirement and the total value of the community benefits should be a percentage of the increased density, based on the building construction cost utilized by the building department. **(LIBI)**

Response: The formula proposed by LIBI is subjective in nature and does not offer a readily applicable approach as do the proposed Amendments, which utilize quantitative standards established in Article 6 of the Suffolk County Sanitary Code. Furthermore, the data suggested are subject to change based on construction material availability, supply and demand, labor and other costs that may not be available to be quantified early on at the time of application review.

The SCDHS standards and wastewater effluent discharged to groundwater provide the basis upon which the goals and objectives of the PBC Program are derived.

Comment 4: Confirmation needs to be made that all other standards in the CLUP, as well as local PDD community benefit requirements, will still need to be adhered to, even when the required PBCs are redeemed. **(Town of Southampton letter)**

Response: Development projects that involve the mandatory redemption of PBCs will be required to meet the CLUP provisions for development that are required for any CGA development project.

State Environmental Quality Review Act (SEORA)

Comment 1: A comprehensive, updated SEQRA analysis should be completed to consider potential environment, social, and economic factors of the proposed Amendments. Special focus should be given to the economic feasibility and potential impacts of the proposed mandatory redemption policy on school districts. **(Town of Southampton letter)** The proposed Amendments fail to comply with SEQRA. There has been no hard look or environmental analysis on any of the proposed Amendments. An amended findings statement must be prepared. A supplemental to the final GEIS must be prepared. The proposed Amendments would be impermissible segmentation. **(Town of Riverhead letter)** A Draft GEIS should be produced for any and all amendments to the CLUP including the mandatory redemption program. **(LIBI Position Paper)**

Response: The SEQRA record for the CLUP, including 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 evaluation of the overall Credit Program including receiving areas within and outside of the CGA, an economic analysis and an analysis of impacts on school districts, and addressed all of the requirements under SEQRA. The proposed Amendments simply require PBCs to be redeemed as intended in the Act and the CLUP and contain measures for the effective implementation of the goals and objectives of the CLUP.

In regard to Southampton's comment regarding potential impacts on school districts, this concern was already addressed as recounted in the 1995 CLUP Findings Statement:

"...[i]n Southampton it is not necessary to allow inter-school district transfers. By limiting PBC transfers to intra-school district transfers only, there are no capacity concerns because the total number of units that can be built in a district remains constant, only the location of units will change."

In regard to the concerns expressed by Riverhead regarding SEQRA, the following should be noted:

- Pursuant to ECL § 57-0121(13):

“Not less than once every five years after the land use plan has become effective, the commission shall review and, if appropriate, make amendments to the land use plan and update the generic impact statement. Within each such period, the commission shall hold a public hearing and shall receive comments on the effectiveness of implementation of the land use plan. Not less than thirty days before voting on an amendment to the land use plan, the commission shall publish notice thereof in a newspaper of general circulation in the Central Pine Barrens area.”

As the Riverhead letter notes, when a final GEIS is adopted, there are a number of criteria which apply to subsequent actions to ensure SEQRA compliance as enumerated in the SEQRA regulations, 6 NYCRR Part 617. As noted in Section 617.10 (“Generic environmental impact statements”) these criteria include no further action being required due to the subsequent action occurring in compliance with the originating final GEIS and findings, an amended findings statement if the action was covered adequately in the final GEIS but not the Findings, a separate Negative Declaration (Determination of Non-Significance) if the action was not adequately addressed in the final GEIS but will not generate adverse environmental impacts and finally a Supplemental EIS if the action was not adequately addressed in the final GEIS and may result in at least one potential adverse environmental impact.

The Commission staff has prepared a comprehensive draft Amendment to the CLUP, including Amendments to Chapters 4, 5, and 6, which has been reviewed by the Central Pine Barrens Advisory Committee, a statutorily-created advisory board to the Commission. Substantial comments were subsequently received during two technical work sessions held in November and December of 2010 with Designated Representatives of the Commission and their staff, and responses to issues raised in these work sessions are pending additional research, analysis, and discussion.

Nevertheless, the current subset of the proposed Amendments is considered ministerial in nature, particularly in that the Act contains statutory authority for these actions and the fact they fall under the umbrella of actions adequately covered in the GEIS and Findings for the CLUP. Accordingly, these could be adopted outside of the full body of

comprehensive CLUP Amendments and addressed as required pursuant to SEQRA. The appropriate SEQRA review, in compliance with Section 617.10 of the SEQRA regulations, will be completed prior to any final action on these amendments by the Commission.

- A Supplemental GEIS may be required for the larger set of comprehensive Amendments to Chapters 4, 5, and 6 of the CLUP if it is determined the comprehensive Amendments may result in potential adverse environmental impacts. A Supplemental GEIS will be prepared, as required and if necessary, to address all relative potential impacts. Regardless, it should be noted that the courts have held that undertaking the requisite SEQRA “hard look” does not necessarily require the preparation of an EIS but a sufficient reasoned elaboration of potential impacts (which could be contained within a Negative Declaration).
- Segmentation is permissible in the SEQRA process in certain circumstances where it is identified, supporting reasons are addressed, and a demonstration is provided in the SEQRA record that such review will be no less protective of the environment. The comprehensive CLUP Amendments currently pending public review are subject to SEQRA. An Environmental Assessment Form (EAF) Part I was prepared. Subsequent to the public discourse that has occurred in regard to this subset of Amendments, the appropriate SEQRA process and review will be completed prior to any final action undertaken by the Commission. If the proposed Amendments are adopted by the Commission, the Towns in the Central Pine Barrens will amend their zoning codes to conform accordingly.

Workforce Housing

Comment 1: The Commission should demonstrate that the proposed Amendments would not interfere with other regulatory requirements such as compliance with the Long Island Workforce Housing Act. The added cost of PBCs may preclude the ability to construct affordable housing. **(Town of Southampton letter)**

Response: The proposed Amendments are not expected to interfere with or impose an added burden on the implementation of other regulatory requirements.

EPCAL

Comment 1: Under the proposed Amendments to Chapter 5, all 2,614 CGA acres in the EPCAL footprint would be subject to the requirement of development credit purchase regarding increased density even though development of all acreage in EPCAL shall require sewer system connections. **(Town of Riverhead letter).**

Response: This comment implies that development at EPCAL will exceed the as of right amount of development under current zoning. Under the proposed Amendments, only if a project at EPCAL constitutes development under ECL § 57-0107(13) and exceeds the underlying as of right land use density or intensity would the excess sanitary wastewater amount be subject to the 15% mandatory PBC redemption provision.

Regardless of the presence of an existing sewer system and any local or County requirements to connect to said sewer system, the PBC redemption policy would be in effect in the case of an increase in land use density or intensity as defined in the proposed Amendment.

Comment 2: The proposed Amendments would have the effect of ceding development control from the Town of Riverhead regarding the EPCAL property and foisting it upon the Commission **(Town of Riverhead letter).**

Response: The Act requires the Town to comply with the CLUP provisions for lands within the Central Pine Barrens.

Support for the proposed Amendments

Comment 1: Support for the mandatory credit redemption Amendments. **(Group for the East End, Pine Barrens Society, Town of Southampton letter)**

Response: The comment is noted.

LIST OF APPENDICES

Appendix A – Commission resolution

Central Pine Barrens Joint Planning and Policy Commission resolution dated February 16, 2011 to schedule a public hearing on the proposed Amendments

Appendix B – Public hearing transcript

- Central Pine Barrens Joint Planning and Policy Commission Public Hearing Transcript dated March 16, 2011

Appendix C – Written comment letters

- Long Island Builders Institute letters
 - March 7, 2011
 - March 16, 2011
 - May 10, 2011
- Robert Liere and family letter dated March 16, 2011
- Commission staff letter to Supervisor Throne-Holst of the Town of Southampton dated April 14, 2011
- Town of Riverhead letter signed by Supervisor Sean M. Walter dated April 15, 2011
- Town of Southampton letter signed by Jefferson V. Murphree, Town Planning and Development Administrator, dated April 15, 2011