



February 6, 2012

**TO:** Peter A. Scully, Chair, Commission Members & Designated Representatives

**FROM:** John W. Pavacic, Executive Director

**RE:** February 15, 2012 CLUP Worksession Overview

Dear Chairman Scully, Commission Members and Designated Representatives,

Peter A. Scully  
*Chair*

Mark Lesko  
*Member*

Steven Bellone  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

I am sending you this memorandum to provide an overview of the Commission's February 15, 2012 worksession to discuss the proposed Comprehensive Land Use Plan (CLUP) Amendments. As the Commission requested, the worksession has a proposed duration of two hours and commences at 10 am at Brookhaven Town Hall. Immediately thereafter lunch will be provided for participants and attendees.

Our plan at this time is to review with the Commission each of the Chapters and their sections in numerical order, commencing with Chapter 4 and ending with Chapter 6. We will be seeking direction from the Commission as to how it wishes to dispense with each section amendment. Possible choices include:

- Adopting the amendment as proposed
- Altering the amendment and then adopting the revised version
- Directing staff to revise a section
- Requesting additional staff review and analysis
- Seeking legal analysis from counsel
- Retaining the existing section language and rejecting the proposed amendment
- Proposing an amendment to ECL Article 57 instead, which may in turn provide the legal foundation to then adopt or provide the impetus for a subsequent section amendment

Below you will find listed a number of pertinent documents previously distributed to you both electronically and in hard copy format. These include the following:

1. **Annotated set of Amendments to Chapters 4, 5 and 6 of the CLUP (9/12/10 edition which was previously distributed to Commission members and which is also available on the Commission web site. This will be the key document reviewed during the worksession. Note – these are not attached)**
2. **CLUP Amendment Appendices (These were previously distributed to Commission members and are also available on the Commission web site. Note – these are not attached)**

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3. **Subset of amendments pertaining to the Mandatory PBC Redemption and Non-Residential PBC Allocation** (*Note – these are not attached as they were previously distributed to the Commission members and include*):

- *Public Hearing Notice*
- *Public Hearing Transcript*
- *Comments received*
- *Responsiveness Document*
- *Draft Negative Declaration and Long EAF*

Attached you will find a number of new documents which are designed to complement those described above which were previously distributed to you. These new documents are as follows:

1. **Agenda for February 15, 2012 CLIP Worksession** (*attached*)
2. **“Summary of Parking Lot Items”** with original date of December 9, 2011 and revised December 20, 2011 to reflect recommendations of the AC meeting of 12/15/11. (*“Parking Lot” items were those proposed CLUP amendments for which consensus was not achieved and/or for which questions or issues were raised during the four technical worksessions conducted in conjunction with the Commission member technical and professional staffs from the Fall of 2010 through the Fall of 2011. Commission members previously received the original 12/9/11 edition and a copy of the edition revised on 12/20/11 is attached.*)
3. **“Report on the Advisory Committee Meeting held on December 15, 2011”** and dated February 2, 2012. The report summarizes the 12/15/11 AC meeting in regard to the “Parking Lot” items. (*attached*)
4. **Chapter Matrices** (*These are 3 matrices for Chapters 4, 5 and 6 which provide an “at-a-glance” synopsis and checklist of these proposed CLUP amendments including those amendments which were on the “Parking Lot,” new amendments proposed at the four technical worksessions and possible amendments to ECL Article 57 suggested during the technical worksessions*).

Thank you.

JWP/jp

Attachments

cc: Judith Jakobsen, Policy and Planning Manager, CPBJP&P Commission  
Julie Hargrave, Senior Environmental Planner, CPBJP&P Commission  
John Milazzo, Commission Counsel, CPBJP&P Commission