

Chapter 4: Review Procedures and Jurisdiction

CLUP Amendment Section	Title	New Proposal?	Parking Lot Item?	ECL Amendment Proposed?	AC Resolution	Commission action	Comments
4.1	Introduction						
4.2	Intent						
4.3	Definitions		X	X	X		
4.3.1	Complete application		X	X	X		
4.3.2	Plan						
4.3.3	Commission						
4.3.4	Act						
4.3.5	Development						
4.3.5.1	Interpretation of “nondevelopment” provision 57-0107(13)(xiii)		X	X	X		
4.3.6	Central Pine Barrens						
4.3.7	Core Preservation Area						

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4.3.8	Compatible Growth Area						
4.3.9	Project Site						
4.3.10	Pre-Existing Structure or Use						
4.3.11	Tall Structure		X		X		Refer to legal counsel
4.4.1	Development located within the Core Preservation Area		X		X		
4.4.2	Nonconforming development within the Compatible Growth Area		X		X		
4.4.3	Compatible Growth Area development over which Commission asserts...		X		X		
4.4.4	Compatible Growth Area development with Critical Resource Areas		X		X		
4.4.5	Developments of Regional Significance		X		X		
4.5	Review procedures		X	X	X		
4.5.1	Development located within the Core Preservation Area (“Core development”)						

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4.5.1.1	Core development: Lead agency assertion						
4.5.1.2	Core development: filing of an application						
4.5.1.3	Core development: Hearing						
4.5.1.4	Core development: Statutory basis for the Commission's decision						
4.5.1.5	Core development: Decisions, default decisions and extensions of decisions						
4.5.2	Development located within the Compatible Growth Area which does not conform to the standards contained in Volume 1, Chapter 5 of the Plan ("nonconforming development")						
4.5.2.1	Nonconforming development: Filing of an application						
4.5.2.2	Nonconforming development: Changes in consistent projects						
4.5.2.3	Nonconforming development: Completeness determination						
4.5.2.4	Nonconforming development: Review standards						
4.5.2.5	Nonconforming development : Hearing						

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4.5.2.6	Nonconforming development: Decisions, default decision and extensions of decisions						
4.5.3	Development located within the compatible Growth Area which has been subjected to a petition by the Commission pursuant to ECL Section 57-0123(2)(“assertion development”)		X	X	X		Refer to legal counsel
4.5.3.1	Assertion development: Assertion of jurisdiction by the Commission over the project						
4.5.3.2	Assertion development: Hearings and assertion of review jurisdiction						
4.5.3.3	Assertion development: Review standards						
4.5.3.4	Assertion development: Hearing						
4.5.3.5	Assertion development: Decision on projects over which jurisdiction is asserted by the Commission						
4.5.3.6	Assertion development: Default decisions						
4.5.4	Development located within the Compatible Growth Area which is also located within a Critical Resource Area (“CRA development”)						
4.5.4.1	CRA development: Definition of Critical resource Areas						

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4.5.4.1.1	Brookhaven Town Critical Resource Areas						
Figure 4-1	Summary of Critical Resource Areas in the Central Pine Barrens						
4.5.4.1.2	Southampton Town Critical Resource Areas						
Figure 4-2	Critical Resource Areas in the Southampton Town CGA						
4.5.4.2	CRA development: Review standards						
4.5.4.3	CRA development: Application and hearing						
4.5.4.4	CRA development: Decision on the application						
4.5.4.5	CRA development: Default decisions						
4.5.5	Developments of Regional Significance located within the Compatible Growth Area (“DRS development”)						
4.5.5.1	DRS development: Definition of a Development of Regional Significance		X		X		
4.5.5.2	DRS development: Review standards						

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4.5.5.3	DRS development : Application and hearing						
4.5.5.4	DRS development: Decision on application						
4.5.5.5	DRS development: Default decisions						
4.5.6	Adoption of sense resolutions by the Commission for development projects						

Notes:

- The term “Parking Lot” refers to 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.
- References:
 - Proposed CLUP amendments dated 9/12/10
 - Summary of CLUP Parking Lot Items dated 2/6/12
- The table contains the following:
 - Proposed amendments for which there were no “Parking Lot” issues (no “X” is indicated in any column)
 - Proposed amendments with “Parking Lot” issues (denoted with an ‘X’ in the “Parking Lot Item” column)
 - Issues which were not covered by the proposed CLUP amendments but were raised for the first time during the technical and professional worksession. These were placed on the “Parking Lot” (denoted with an ‘X’ in the “New Proposal” column)
 - “AC Resolution” indicates the Advisory Committee voted to adopt a resolution pertaining to the particular section, or a portion thereof
- Items omitted from the table are the 1995 CLUP sections for which no amendments were proposed and for which there were no “Parking Lot” items.