

## 5. Standards and Guidelines for Land Use

### 5.1 Central Pine Barrens overall area

The following sets forth the standards and guidelines for land use within the Central Pine Barrens.

Standards are to be implemented, and are enforceable, by municipalities, municipal agencies and the Commission, or any other agency with enforcement powers within the Central Pine Barrens. Discretionary decisions regarding standards are to be made by the Commission, under the provisions set forth in Volume I, Chapter 4 of this Plan. These standards are in addition to all other regulatory requirements and do not exempt any entity from complying with applicable federal, state, county, or local laws.

Guidelines are to be utilized by municipalities and municipal agencies with discretionary decisions determined at the municipal level, unless a project is before the Commission due to its location within a Critical Resource Area, because it is a Development of Regional Significance or because there was an assertion of jurisdiction as described in Volume I, Chapter 4 of this Plan.

The municipalities may adopt standards and guidelines which are more restrictive than those contained in this Plan.

~~Present land uses~~ Pre-existing structures or uses (as defined in Chapter 4 of this Plan) that comply with existing laws may be continued in accordance with their current approved use(s). *(Source: "Pre-existing structure or use" is now a defined phrase in Section 4.3.7 that is used in the Plan. Definition 4.3.7 establishes 6/1/93 as the historical date for these items, the same date used in the Act for other "grandfathered" items.)*

### 5.2 Core Preservation Area

The Core Preservation Area is to be preserved by a strategy of government land acquisition, the transfer of development rights, conservation easements, gifts, land swaps, and donations. Development in the Core Preservation Area shall be prohibited or redirected, and hardship exemptions granted by this Commission as provided for in the Act.

Allowable uses within the Core Preservation Area shall be limited to those operations or uses which do not constitute development, or hardship exemptions granted by this Commission pursuant to the Act.

Any existing, expanded, or new activity involving agriculture or horticulture in the Core Preservation Area is an allowable use if it does not involve material alteration of native vegetation. The erection of agricultural buildings, including but not limited to barns,

greenhouses and farm stands, required for the production of plants or animals as reflected under ECL Section 57-0107(14), shall constitute an allowable use. If such activity does involve material alteration of native vegetation, the use will require a hardship exemption from the Commission.

### 5.3 Compatible Growth Area

#### 5.3.1 Applicability and other policies

The Central Pine Barrens Joint Planning and Policy Commission adopts the following standards and guidelines for development and development project sites within the Compatible Growth Area in accordance with applicable state law. *(Source: staff recommendation for clarification.)*

These standards shall be incorporated into local land use and development review procedures, ordinances and laws by the local municipalities. The Commission shall also apply these standards to those development projects that it directly reviews within the Compatible Growth Area. *(Source: Staff recommendation for clarification.)*

These guidelines shall be incorporated into land use and development procedures, and utilized by municipalities and municipal agencies on a discretionary basis.

All standards and guidelines for land use in this section are based on the best available scientific evidence and municipal laws and practices.

Agriculture or horticulture in the Compatible Growth Area is encouraged to comply with best management practices. Best management practices are, for purposes of this Plan, the same practices stated in the most recent version of *Controlling Agricultural Nonpoint Source Water Pollution in New York State* (Bureau of Technical Services and Research, Division of Water, New York State Department of Environmental Conservation, 1991 and as later amended).

~~Scattered throughout the pine barrens are parcels devoted to agricultural and horticultural uses.~~

#### *Guideline*

##### 5.3.3.10.1 ~~Best management practices~~

~~Any existing, expanded, or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined herein, and relevant requirements including local law. Best management practices are, for purposes of this Plan, the same practices stated in the most recent version of *Controlling Agricultural Nonpoint Source Water Pollution in New York State* (Bureau of Technical Services and Research, Division of Water, New York State Department of Environmental Conservation, 1991 and as later amended).~~

*(Source: Relocated from 5.3.3.10 and reworded as a policy statement. This document reference may need to be updated. The Commission will need to determine if it agrees with the proposed new language or if it should be modified.)*

### **5.3.2 State Environmental Quality Review Act (SEQRA)**

A generic environmental impact statement (GEIS) has been completed for the Plan, including the standards and guidelines for land use set forth in this section.

A supplemental environmental impact statement may be required for individual development projects by the appropriate town or other governmental agency, if a significant environmental effect is identified that is outside the scope of the standards and guidelines set forth in this chapter. If a potentially significant environmental effect is not identified, a Supplemental Environmental Impact Statement or an Environmental Impact Statement should not be required. *(Source: Staff recommendation for clarification.)*

The scope of the supplemental EIS should be limited to subjects that are not addressed by the standards or guidelines or the GEIS.

### **5.3.3 Intent and Compatible Growth Area standards**

The Commission recognizes the need for balanced growth and development consistent with the water resource protection and habitat preservation goals provided for in the Act.

Development projects in the Compatible Growth Area are required to meet all of the standards in this chapter unless a permit has been issued under the provisions of Volume I, Chapter 4 of this Plan.

Where standards contained in the Plan differ from state, county, or local law, the stricter standard(s) shall apply.

**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 Projects 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 screen<sup>1</sup>. Therefore, utilization of the SWAP information is presently on an advisory basis to evaluate 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**

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

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.)

~~**5.3.3.5 Stormwater runoff** (Source: At its April 17, 2013 CLUP Worksession, the Commission decided to retain Guidelines 5.3.3.5.2, 5.3.3.5.3, 5.3.3.5.4 and 5.3.3.5.5. However, because the discussion that day focused solely on the upgrading of guidelines to standards, changes to existing Section 5.3.3.5 and its Standard, 5.3.3.5.1, were not discussed. Accordingly, this will still need to be addressed by the Commission, especially since retaining this section instead of combining it with prior Section 5.3.3.4 may cause a renumbering issue in that the existing Section number 5.3.3.5 was proposed to be used below for “Development in the Compatible Growth Area that requires Pine Barrens Credit redemptions”.)~~

~~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 and from driveways 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. These basins may cover several acres and require the removal of considerable native vegetation to the detriment of the site's ecology and aesthetics.~~

#### *Standard*

#### ~~5.3.3.5.1~~      **Stormwater recharge**

~~Development projects must provide that all stormwater runoff originating from development on the property is recharged on site unless surplus capacity exists in an off site drainage system.~~

## *Guidelines*

- 5.3.3.5.2     **Natural recharge and drainage**  
Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.
- 5.3.3.5.3     **Ponds**  
Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.
- 5.3.3.5.4     **Natural topography in lieu of recharge basins**  
The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.
- 5.3.3.5.5     **Soil erosion and stormwater runoff control during construction**  
During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.

**5.3.3.5 Development in the Compatible Growth Area that requires Pine Barrens Credit redemptions.** *(Source: Pine Barrens Credit Clearinghouse resolution of 3/20/09 recommending the addition of this section, and the 4/22/09 Pine Barrens Advisory Committee resolution endorsing that Clearinghouse recommendation. The Clearinghouse reiterated its support for this provision at its 10/9/09 meeting. At its 1/15/10 meeting, the Clearinghouse revised its recommendation, with the major change being the replacement of their original recommendation for a 50% requirement with a 25% requirement, and no specific waiver mention. As noted above, this new text reuses Section number 5.3.3.5, previously assigned to a different, and now relocated, standard.)*

Each town shall require the redemption of Pine Barrens Credits for those development projects within the Central Pine Barrens Compatible Growth Area, without regard to the type of “sewage disposal system” (as defined by the Suffolk County Department of Health Services, Division of Environmental Quality, “Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single-Family Residences”, hereinafter referred to within this section as the “SCDHS standard”) proposed for the development project, that increase the density, intensity, or other measures of land use development, including, but not limited to, changes of zone.

## *Standard*

### **5.3.3.5.1 Pine Barrens Credit Redemption Requirement**

Each Town shall require the redemption of Pine Barrens Credits in an amount equal to no less than twenty five percent (25%) of the difference between the development project's "density load" (as defined by the SCDHS standard) in excess of the development project site's "population density equivalent" (as defined by the SCDHS standard), divided by 300 for any development project in the Compatible Growth Area that increases the density, intensity, or other measures of land use development, including, but not limited to, changes of zones. The type of "sewage disposal system" (as defined by the SCDHS standard) proposed for the development project shall have no effect in determining the required number of Pine Barrens Credits to be redeemed on such a development project.

**5.3.3.6 ~~Natural vegetation and plant habitat~~ Coordinated design for open space, habitat and soil protection** *(Source: This section combines the prior section 5.3.3.9 "Coordinated design for open space management" with new text and material, and a title change to recognize importance of soil conservation.)*

Comprehensive, coordinated planning and design of development proposals within the pine barrens is essential to ensure maximum preservation of open space and habitat linkages. Development projects shall be designed with full consideration of the existing development and known future plans for the adjacent parcels. Otherwise, inefficient road patterns may require unnecessary clearing and lot layout that may hinder or entirely prevent the preservation of large, unbroken blocks of open space. *(Source: This text is relocated from former 5.3.3.9 "Coordinated design for open space management", and reworded for clarity.)*

Conservation design is a method of site planning that emphasizes the preservation of natural, historic or other significant features while allowing a parcel to be partially developed in appropriate locations. This approach identifies areas of conservation value to be permanently protected and set aside within a site, locates development outside such areas, and requires ongoing monitoring and permanent protection through covenant, dedication or easement. Conservation design shall be required for all development projects as described in Standard 5.3.3.6.2. *(Source: New definition.)*

Clearing is defined, for the purposes of this standard, as the removal, cutting or material alteration of any portion of the natural vegetation found on a development project site exclusive of any vegetation associated with active agricultural or horticultural activity or formalized landscape and turf areas. Excessive clearing of natural vegetation can result in severe soil erosion, excessive stormwater runoff, and the destruction or reduction of pine barrens plant and wildlife habitat, and shall be minimized on development project sites through the provisions of this section. Revegetation of a development project site, or a portion thereof, may be used as a mitigative tool for the re-establishment of appropriate vegetation on a previously cleared area of a development project site. *(Source: New text. May need to define "natural" vegetation.)*

Areas within development project sites that include established old field and/or successional

vegetation at the time of application may be used to meet the open space standard and the set aside percentage, provided that these areas can be, and are, permanently protected in accordance with Standard 5.3.3.6.6. Areas within development project sites that contain disturbed soil, formalized landscape, and turf may not be counted towards satisfaction of the open space standard the set aside percentage without prior review and determination of the Commission. (Source: *New text.*)

Further, the *Long Island Comprehensive Waste Treatment Management Plan* (the "208 Study"; Long Island Regional Planning Board, Hauppauge, NY, (1978)) indicated that fertilizers are a significant source of nitrogen and phosphorous contamination to ground and surface waters. Due to the low fertility, soils common to the pine barrens (e.g., Carver, Haven, Plymouth and Riverhead) require both irrigation and fertilizer application for establishment and maintenance of turf and nonnative vegetation. As native pine barrens vegetation is replaced with turf through development, increased contamination and a general change in the ecosystem may be expected. The Commission supports the identification and removal of exotic invasive species while enhancing the use and maintenance of native species within the Central Pine Barrens. (Source: *New text with staff clarification.*)

When applied as one possible tool within the required Conservation Design methodology, the use of the clustering technique within the Central Pine Barrens preserves open space, preserves habitat, protects important resource areas, improves infrastructure efficiency and furthers the statute's Act's goals of compact, efficient and orderly development in the Central Pine Barrens. (Source: *Staff recommendation for consistency.*)

Buffer areas are defined, for the purposes of this section, as areas incorporated into a development project site design for purposes including, but not limited to, conservation area compliance, habitat preservation, open space protection, separation to between wetlands and development, visual consideration, or mitigation of environmental impacts. Additionally, proper management of these areas, including assignment of responsibility for such management, is essential in order to protect open spaces from illegal dumping, clearing, motor vehicle trespass and other abuses. (Source: *New text with staff recommendation.*)

## *Standards*

### **5.3.3.6.1 Vegetation clearance limits**

The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.

Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites and

drainage structures. The clearance standard that would be applied to a development project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard. *(Source: Staff recommendation for clarification.)*

To the extent that a portion of a development project site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan. *(Source: Staff recommendation for clarification.)*

- 5.3.3.6.1.1 Development project sites which consist of non contiguous parcels shall be treated as if the parcels were contiguous for purposes of determining compliance with Standard 5.3.3.6.1. *(Source: Commission decision of 2/21/96.)*
- 5.3.3.6.1.2 Development project sites which consist of parcel(s) that are split among two or more zoning categories shall have a total clearing allowance for the entire site which is the sum of the individual clearances for each separately zoned portion of the site. *(Source: Commission decision of 9/5/01.)*
- 5.3.3.6.1.3 Development project sites which are also Residential Overlay Districts and which include the redemption of Pine Barrens Credits shall apply Figure 5-1 based upon the actual resulting average lot size after the redemption of Credits, rather than the base zoning lot size. This actual average lot size shall be used to interpolate between the two rows of Figure 5-1 which contain the immediately surrounding lot sizes for the actual one under consideration in order to determine the maximum site clearance percentage to be applied to the development project site, as long as the requirements of the Town Code and of Section 6.4.2.2.2 of this Plan are met. *(Source: Commission resolution of 9/26/01.)*
- 5.3.3.6.1.4 Land cleared for purposes of conducting environmental restoration pursuant to ECL 57-0107(13)(c), immediately after revegetation, shall be considered “natural vegetation”, and shall not be considered “cleared” or “previously cleared” land in determining conformance with Standard 5.3.3.6.1. *(Source: Commission resolution of 5/8/02. May need to review for clarity during public process, e.g. if developer keeps site cleared such as by continued mowing.)*
- 5.3.3.6.1.5 Persons seeking relief from clearing requirements on individual lots must file a CGA hardship application *(Source: Commission decision of 9/24/03.)*
- 5.3.3.6.1.6 For a project site which is split between the Core Preservation Area and the

Compatible Growth Area, and within which Pine Barrens Credits have been issued for the Core Preservation Area portion, only the Compatible Growth Area acreage shall be used to determine the amount of clearing allowed according to Figure 5-1 of Standard 5.3.3.6.1. (Source: Commission resolution of 2/21/07. Cross references with Section 6.3.3.5.)

5.3.3.6.1.7 For those development project sites which propose development entirely and exclusively within a previously cleared portion of the development project site and where the previously cleared portion of that site was either (a) cleared prior to the effective date of the Pine Barrens Act (July 14, 1993) or (b) was cleared after that date either under a permit from the Commission or pursuant to a nondevelopment provision of the Pine Barrens act, and where no violation of the clearing standard has occurred, then the “maximum site clearance” provisions of Figure 5-1 are not applicable, (Source: Current Commission practice.)

5.3.3.6.2 **Open space standard** *(Source: New standard to complement clearing standard with staff clarification.)*

All development project sites shall provide an open space set aside area equal to or greater than those minimum percentages of open space set forth in Figure 5-1. In determining appropriate areas to designate as open space, the reviewer shall utilize the following principles of Conservation Design.

Conservation design is a method of site planning that takes into account the natural landscape and ecology of a development project site and locates development such that the most valuable natural features and functions of the site are maintained. It preserves prime habitat, wetlands, and other natural areas while clustering development into lesser quality areas of the land. Conservation design, at a minimum, encourages building with contours instead of mass grading, using pervious surfaces such as grassways instead of paved sidewalks, reducing lot size to preserve larger contiguous natural areas, and incorporates natural landscaping to reduce stormwater management problems. Set aside areas may include, but are not limited to, natural vegetation, successional areas, habitat areas, fields and meadows, buffer zones, topographic features, and historic features.

Conservation design to satisfy this open space standard shall delineate both primary and secondary conservation areas within the development project site. Primary conservation areas shall be defined first, and shall include all portions of a site which are statutorily protected from development or disturbance by any federal, state, county, town, or other law or regulation. Secondary conservation areas shall then be defined within the development project site to complement the primary conservation areas, and shall be of sufficient area that the total of the primary and secondary conservation areas on the development project site meet or exceed the applicable minimum open space requirement for that development project site, as indicated in Figure 5-1.

#### 5.3.3.6.2.3

##### **Unfragmented open space and habitat**

Subdivision and site design shall support preservation of ~~natural vegetation~~ open spaces in large unbroken blocks that allow contiguous ~~open spaces~~ habitat to be established when adjacent parcels are developed. Subdivision and site designs ~~should~~ shall also be configured in such a way so as to prioritize the preservation of designated open spaces and/or native pine barrens vegetation and to minimize the division and fragmentation of vegetated areas through clearing activities that isolate the species and habitat within them and cut these areas off from surrounding vegetated areas ~~to the maximum extent practicable~~. *(Source: New text.)*

~~For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as little bluestem, Pennsylvania sedge and indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan. (Source: Eliminated text to broaden application.)~~

It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the plan when such action would result in the creation of large contiguous natural open space areas and/or the protection of rare, threatened or endangered species or their habitat.

Municipalities are strongly urged to maximize the use of the clustering technique for any development where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels. For subdivisions involving more than five lots, open space areas proposed to remain within individual, privately owned lots shall not count towards meeting this unfragmented open space requirement. *(Source: New text. Adds municipal encouragement and clarifies that open space does not count if it is within the lots. However, section may require additional clarification, such as placing a size limit on parcels proposed for subdivisions of 5 lots or less to prevent a significant amount of clearing from occurring.)*

#### 5.3.3.6.3.4

##### **Fertilizer-dependent vegetation limit**

No more than 15% of an entire development project site shall be established in fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. Development designs shall ~~shall~~ be in conformance with the Commission's general planting specifications and list of acceptable and unacceptable plants, which shall be adopted by resolution and periodically amended and updated by the Commission by a majority vote after consideration of other regulations and new scientific research findings applicable to Long Island native ecological communities.

Landscaping and restoration plans shall strive to use only Long Island native genotypes, unless the plants are not available. The use of the nonnative plants in the Commission's general planting specifications and list of acceptable and unacceptable plants Figure 5-2 is specifically not recommended prohibited in a development design. (Source: New text to require native species with staff clarification.)

#### 5.3.3.6.4.5

##### **Native plantings**

Development designs shall ~~consider shall be~~ incorporate the planting suggestions of only those species listed as "recommended" contained in and shall be in conformance with the Commission's general planting specifications and list of acceptable and unacceptable plants. Landscaping and restoration plans shall strive to use only Long Island native genotypes, unless the plants are not available. Figure 5-2. (Source: New text to require native species. The rationale for deleting Figure 5-2 from the CLUP and incorporating it into a separate, stand-alone document is due to the dynamic nature of vegetation recommendations, particularly those regarding invasive species. The stand-alone list should reference the new Suffolk County invasive species legislation. The Commission should also consider that New York State is currently discussing new invasive species legislation and that the plant lists in Suffolk County invasive species legislation change periodically based on continuing scientific research and phase-out provisions. A "scientific review committee" has completed extensive research on the invasiveness of plant genus and species since the drafting of this CLUP and are beginning to review cultivars. Overall, this gives the Commission the freedom to adopt and amend separate specifications without having to amend the plan, which can be a lengthy process and may prevent rapid response to a particular invasive species that arises anew.)

#### 5.3.3.6.6

##### **Receiving entity and protection for open space areas**

Applications must specify the entity to which dedicated open space will be transferred. Proposed open space protections shall consider use, maintenance and future management of any designated area.

Protection of open space areas shall be guaranteed through either (1) a transfer of the open space property title to a government land preservation and management entity or a federally certified not for profit conservation land management organization or (2) imposition of a permanent conservation easement on the open space area with the easement grantee being either a government land preservation and management entity or a federally certified not for profit conservation land management organization in accordance with New York State Environmental Conservation Law Article 49.

In the specific case of open space areas protected as a result of a Critical Resource Area development approval by the Commission, the Commission shall have



enforcement authority for any conservation easement(s) on such areas. *(Source: Relocated from prior 5.3.3.9 and strengthened to assure permanency of open space protection.)*

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

Buffer areas shall be delineated on the site plan, subdivision map, project plan and/or survey. Covenants and/or conservation easements shall be imposed to protect these areas as deemed necessary. (Source: Renumbering and rewording of former 5.3.3.4.2. with staff clarification)

**5.3.3.6.8 Invasive plant species mitigation**

Invasive species are plants that have or are likely to spread into an established vegetative system, develop a self-sustaining population and become dominant or disruptive to the pre-existing systems. Development on sites of ten (10) acres or greater shall assess the extent of invasive plant species listed in the Commission’s general planting specifications and list of acceptable and unacceptable plants. Figure 5-2 if any, and shall specify mitigation measures for the removal and management of the invasive species present, and restoration of the site with native species or non-invasive alternatives. This standard shall neither require the removal of existing native vegetation, native habitat nor any local, state, or federally protected species. (Source: Staff recommendation.)

**Figure 5-1: Clearance and Open Space Standards**

This table shows total overall development project site clearance and requirement for open space including lots, roads, drainage and other improvements.

*(Notes: Figure 5-1 has additions and has been reformatted and annotated for clarity, and incorporates a new column for the open space standard.*

*The specific percentage changes in the clearance column are per Brookhaven Town’s 2/24/09 request.)*

**For all privately owned parcels:**

<p><b>Zoning lot size as of June 28, 1995 (*)</b>  <i>(Source: 6/28/95 date is staff recommendation for clarity. This addresses effective date of zoning to be used since old text was silent as to date. The date represents date of original CLUP adoption, has been the date generally applied by staff and has been the basis of many land use decisions. However, some schools of thought believe other dates may be more appropriate. Accordingly, the Commission should confirm its support for this date.)</i></p>	<p><b>Maximum overall development project site clearance (**)</b></p>	<p><b>Minimum Open Space Requirement (**)</b></p>
<p>10,000 square feet residential (1/4 acre)</p>	<p>90%</p>	<p><u>10%</u></p>
<p>15,000 square feet residential (1/3 acre)</p>	<p>70%</p>	<p><u>30%</u></p>

20,000 square feet residential (½ acre)	60%	<u>40%</u>
30,000 square feet residential (2/3 acre)	<del>58</del> 55%	<u>45%</u>
40,000 square feet residential (1 acre)	<del>53</del> 50%	<u>50%</u>
60,000 square feet residential (1.5 acre)	46%	<u>54%</u>
80,000 square feet residential (2 acres)	<del>35</del> 30%	<u>70%</u>
120,000 square feet residential (3 acres)	<del>30</del> 25%	<u>75%</u>
160,000 through 200,000+ square feet residential (4 - 5+ acres)  <u>Clearance Areas and Open Space on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems., except that, in no case shall the total clearance in this category exceed 25%.</u>	<del>20</del> 15% <u>Clearance limitations on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems. In no case shall the total clearance in this category exceed 25%. (Source: Text relocation to left and modification is staff recommendation.)</u>	<u>85%</u>
Other defined residential zoning lot size	Interpolate from entries above.	Interpolate from entries above.
<del>Commercial, Industrial and Other or Mixed Use</del> <u>All other zoning categories, including those categories without defined zoning lot sizes and parcels owned by the State or a public corporation, except for publicly-owned lands dedicated to park purposes, open space or nature preserve or acquired with funds for open space preservation or parkland purposes.</u>	<del>65</del> 60%	<u>40%</u>
<p><i>Notes:</i></p> <p>(*) These entries are the minimum lot sizes required by zoning as of June 28, 1995 or the current zoning, whichever is more protective of the environment by <u>minimizing clearance or maximizing open space</u>, not the size of the subject parcels.</p> <p>(**) In calculating the percentage of land cleared <del>or</del> and the percentage of open space to be retained, the preserved areas in a development should preferably be existing native vegetation. These are maximum clearance and <u>minimum</u> open space standards, and more restrictive standards may be imposed during the review by the <u>Commission, involved agency, or local municipality</u> due to consideration of other standards, especially those addressing preservation of rare or endangered species, or unique flora or vegetation. <i>(Source: Consistency with Plan text changes; staff recommendations.)</i></p>		

### **5.3.3.7 Species and communities of special concern Protection and conservation of species and communities** *(Source: New text.)*

The pine barrens ecosystem hosts several species of rare, endangered or threatened animals and plants, as well as species of special concern. The State of New York has identified such species and has enacted laws to protect their number and habitat. The New York State Natural Heritage Program has also identified unique natural communities and habitats of special concern. Additionally, the pine barrens provides breeding, migratory stopover, and overwintering habitat for several dozen species of birds. These include various songbirds such as warblers, tanagers, cuckoos, kinglets, grosbeaks, thrushes, and orioles. This also includes certain other groups of birds including shorebirds, water birds, birds-of-prey, and hummingbirds.

The U.S. Fish and Wildlife Service estimates that bird strikes with buildings, windows, and other structures account for up to several hundred million bird deaths per year. Many collisions are preventable with appropriate building designs, such as those described in the city of Toronto, Canada's "Bird Friendly Development Guidelines" and the New York City Audubon Society's "Bird-safe Building Guidelines". *(Source: New text.)*

#### ***Standards***

##### **5.3.3.7.1 Special species and ecological communities**

Where a significant ~~negative~~ impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is ~~proposed~~ may occur, appropriate mitigation measures as determined by the appropriate state, county or local government agency or entity shall be taken to protect these species. *(Source: New text.)*

##### **5.3.3.7.2 Bird conservation and protection**

All development or portions thereof, including, but not limited to, commercial, industrial, institutional, public, mixed use and tall structures (see definition in Chapter 4), but excluding construction of separate single family homes, shall incorporate structural design and site planning elements which reduce, minimize, mitigate or eliminate to the greatest extent feasible, impacts to birds, both migratory and non migratory. This shall be accomplished through structural and site design elements which shall include, but not be limited to, reduction of continuous window surface area; external and internal patterning of glass; type and location of landscaping with respect to the building proper; reduction of reflections, glazing and reflective surfaces that reflect natural surroundings; use of angled glass surfaces; incorporation of reflection reducing awnings, and other building design and facade elements that eliminate habitat reflections; full cutoff lighting that directs all light downward and eliminates spill light and direct

upward light; and design of tall structures that do not incorporate support wires, lighting patterns, or colors that endanger migration and flight. (Source: New standard.)

#### **5.3.3.8 Soils and Topography** (Source: New text.)

Disturbance of, and construction on, steep slopes within the pine barrens involves considerable removal of native vegetation resulting in excessive surface water runoff and severe soil erosion. Steeply sloped areas are also subject to more rapid spread of wildfire than flat ground.

##### *Guidelines*

#### **5.3.3.8.1 Clearing envelopes**

Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).

#### **5.3.3.8.2 Stabilization and erosion control**

Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.

#### **5.3.3.8.3 Slope analyses**

Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.

#### **5.3.3.8.4 Erosion and sediment control plans**

Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.

#### **5.3.3.8.5 Placement of roadways**

Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills.

#### **5.3.3.8.6 Retaining walls and control structures**

Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).

#### ~~**5.3.3.9 Coordinated design for open space management.**~~ (Source: Relocated to Section 5.3.3.6 “Coordinated design for open space and habitat protection”.)

~~Comprehensive, coordinated planning and design of development proposals within the pine~~

~~barrens is essential to ensure maximum preservation of open space and habitat linkages. Developments should not be designed without adequate consideration of the existing development and known future plans for the adjacent parcels. Otherwise, inefficient road patterns may require unnecessary clearing and lot layout that may hinder or prevent the preservation of large, unbroken blocks of open space.~~

~~The use of the clustering technique within the Central Pine Barrens preserves open space; preserves habitat, protects important resource areas, improves infrastructure efficiency and furthers the statute's goals of compact, efficient and orderly development in the Central Pine Barrens.~~

~~Additionally, proper management of these areas is essential in order to protect open spaces from illegal dumping, clearing, motor vehicle trespass and other abuses.~~

### *Standard*

- 5.3.3.9.1 **Receiving entity for open space dedications**  
~~Applications must specify the entity to which dedicated open space will be transferred.~~

### *Guidelines*

- 5.3.3.9.2 **Clustering**  
~~Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.~~
- 5.3.3.9.3 **Protection of dedicated open space**  
~~Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.~~

### **5.3.3.9 Dark sky compliance.** *(Source: New section and standard, reusing old section number.)*

It is the intent of the Commission to encourage lighting fixtures, practices and systems which will minimize light pollution and glare, conserve energy and resources, provide essential site security, eliminate adverse effects upon nocturnal light sensitive species, and avoid light trespass onto adjoining and nearby properties.

Light pollution is defined, for the purposes of this section, as any adverse effect of man-made light, including, but not limited to, discomfort to the eye, or any man-made light that diminishes the ability to view the night sky, trespasses upon other properties, or disrupts wildlife.

## *Standard*

### 5.3.3.9.1      **Light pollution prevention**

The candlepower distribution from all lighting fixtures and installations shall be cut off at all angles beyond those required to restrict direct illumination to the specific area or surface being illuminated. Development shall utilize full cutoff lighting that directs all light downward and eliminates spill light and direct upward light. All fixtures shall be noted on the proposed site plan as dark-sky compliant fixtures. All existing exterior fixtures on a development project site shall be retrofitted accordingly.

### **5.3.3.10 ~~Agriculture and horticulture~~Reserved.**

### **5.3.3.11 Scenic, historic and cultural resources**

The Long Island Pine Barrens Protection Act specifies that the Plan shall consider and protect unique scenic, cultural or historic features. The Plan includes an inventory of many of these resources, and separate inventories for these items exist in local, state, county, federal or private inventories.

The Commission's policy is to protect and enhance those landscape based features of a community which define it, provide for its distinction from neighboring communities, provide for natural areas among the communities which complement the protection of the pine barrens ecosystem, and contribute to a regional diversity, both natural and cultural.

In order to minimize adverse visual effects of tall structures, careful siting and design standards shall be applied. Potential damage to adjacent properties from the placement and construction of tall structures should be avoided through local structural standards and zoning setback requirements. This section also emphasizes protection of existing viewsheds identified in Volume II of this Plan, and avoiding the unnecessary proliferation of tall structures within the Central Pine Barrens. (Source: *New preceding text and new 5.3.3.11.1 below.*)

## *Standards*

### 5.3.3.11.1      **Tall structures and scenic resources**

No development or portions thereof shall meet or exceed the height definition for tall structures in Chapter 4. Proposed development or portions thereof which meet or exceed the height definition for a tall structure shall require a waiver under this standard from the Commission. This standard requires, in part, the adaptive use and reuse of existing tall structures (see definition in Chapter 4) rather than the construction and placement of new ones when and where feasible and appropriate. Applicants shall complete the State Environmental Quality Review Environmental Assessment - Visual Addendum for any tall structure

proposed. The Commission shall consider this information, other land use plans, Volume II: Chapter 8 Scenic Resources, and any other technical material relevant to evaluation of the development project being proposed, when determining the appropriateness of design elements including, but not limited to, placement, height and potential impacts, including but not limited to, visual and bird impacts, of any proposed tall structure, and may require mitigation measures if a waiver is granted. (Source: Staff recommendation.)

5.3.3.11.2

5.3.3.11.1

**Scenic, cultural and historic resource consideration protection**

Development proposals ~~should account for~~ shall document, review, and provide appropriate protection measures for:

1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this Plan.
2. Active recreation sites, including existing sites and those proposed as part of a development.
3. Scenic corridors, roads, vistas and viewpoints as documented in Volume 2 of this Plan which may be located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway, and any federally or state designated scenic roads, corridors, viewpoints or viewsheds.
4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, ~~and~~ historic structures listed on the State or National Registers of Historic Places, and structures, sites or districts recognized by local municipal law or statute.
5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.
6. Sites containing either marked, known or unmarked human remains of any age. Marked or known sites include, but may not be limited to, cemeteries, burial plots, documented but unmarked sites, etc. Unmarked sites include, in part, any sites found to contain human remains or associated burial artifacts during physical examination or alteration of a development site, which discovery shall cause the development project to be halted and a revised application to be submitted directly to the Commission for approval with appropriate protection measures added.

Protection measures for scenic and recreational resources shall include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures. (Source: Staff recommendation for clarity, consolidation and enhancement of three formerly separate guidelines below.)

## *Guidelines*

5.3.3.11.2

### **~~Inclusion of cultural resources in applications~~**

~~Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places; and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.~~

~~A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources. *(Note: Incorporated into new 5.3.3.11.2 above.)*~~

5.3.3.11.3

### **~~Protection of scenic and recreational resources~~**

~~Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures. *(Note: Incorporated into 5.3.3.11.2 above.)*~~

5.3.3.11.3

5.3.3.11.4

### **~~Roadside design and management~~Preservation and enhancement of roadside character**

~~Undisturbed portions of the roadsides should be maintained in a manner that protects the scenic features of these areas and the placement of man-made structures along such roadsides should be designed to minimize disturbances to the roadside to the extent practicable. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that such development maintains existing scenic features to the extent practicable, appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area. Roadsides, especially within scenic corridors, roads, vistas and viewpoints, that are outside of town centers, are where the rural character is most readily visible and alterations to the landscape are most readily recognizable. Within these roadside areas, the basic rural character of wooded and agricultural edges shall be preserved by preventing development from dominating viewsheds, by preserving wooded roadside edges and/or requiring natural landscaping and screening, and where necessary, the~~



enhancement of natural buffers. (Source: *Staff recommendation for clarification.*)

**5.3.3.12 Commercial and industrial development** (Source: *This section was combined with Section 5.3.3.1, which is now titled “Sanitary Waste, Nitrate-Nitrogen and other chemicals of concern” . The preceding introductory text was struck. The standard below was relocated there as 5.3.3.1.)*)

Throughout the Compatible Growth Area, there are parcels of land that are zoned for commercial or industrial use. Future development of these parcels should occur in a manner which is consistent with the goals and objectives of the Act.

***Standard***

**5.3.3.12.1 ~~Commercial and industrial compliance with 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. 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.~~

**5.3.3.12 Traffic management and air quality** (Source: *Staff recommendation.*)

The Act mandates that the Plan for the Central Pine Barrens area shall be designed to “ensure that the pattern of development is compact, efficient and orderly”. With respect to the Compatible Growth Area, the Act mandates that the Plan “encourage appropriate patterns of compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the individual and cumulative adverse impacts thereof”. An intrinsic part of many land use development proposals is traffic impact, and effective design for its management and mitigation is essential for efficient and orderly future land use patterns.

***Standard***

**5.3.3.12.1 Traffic management and mitigation**  
All developments of regional significance (DRS) shall include a traffic management and mitigation plan. All traffic management and mitigation plans shall be reviewed and approved by the Commission as part of the overall development project review consistent with the purposes of the Act. The Commission shall, at its discretion, seek the expert assistance of other agencies or entities as appropriate in reviewing such plans.

**5.3.3.13 Wildfire hazard**-(Source: Staff recommendation. Based upon International Code Council and NYS Department of State model ordinances and suggested standards.) *(Preface to be completed.)*

**Standard**

- 5.3.3.13.1     **Access**  
*(To be completed.)*
  
- 5.3.3.13.2     **Water supply**  
*(To be completed.)*
  
- 5.3.3.13.3     **Fire protection plan**  
*(To be completed.)*
  
- 5.3.3.13.4     **Defensible space**  
*(To be completed.)*