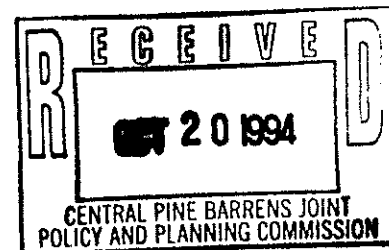


COUNTY OF SUFFOLK



ROBERT J. GAFFNEY  
SUFFOLK COUNTY EXECUTIVE



DEPARTMENT OF HEALTH SERVICES  
DIVISION OF ENVIRONMENTAL QUALITY

MARY E. HIBBERD, M.D., M.P.H.  
COMMISSIONER

October 20, 1994

Mr. Ray Corwin  
Central Pine Barrens Joint Planning and Policy Commission  
P. O. Box 587  
3525 Sunrise Highway  
Second Floor  
Great River, NY 11739

Dear Ray:

Subject: Comments on "Central Pine Barrens Land Use Plan"

The above report has been reviewed by my office, resulting in a number of comments, both general and specific. The general comments cover five issues, and the specific comments are identified by page number and recommended changes.

- Issue #1. Groundwater Nitrogen. The commission has adopted a 6 mg/l nitrogen requirement for the pine barrens area. This does conflict with the Article 6 density requirements within Groundwater Management Zone III. The one-acre density requirement equates to 4 mg/l nitrogen loading while half-acre density meets 6 mg/l. The commission should consider changing the policy to agree with Article 6.
- Issue #2. Residual property use. The plan did not show any definitive listing of residual uses, permitted or prohibited. This topic must be covered, especially if TDR is to be implemented. The groundwater protection aspect of Article 6 clearly restricts residual or secondary uses when a primary use (building) or TDR occurs on a parcel. Permitted activities are generally passive. A criteria to use is that the activity not generate a waste or result in a chemical leaching. My office is willing to work with you to develop such a listing.
- Issue #3. Delineation of pine barrens credits (PBC's). Page 214 lists eight development yield factors as a method of calculating PBC's. Our concern is with the first two categories (4-units and 2-units per acre), as the resultant allocation would not meet Article 6 density requirements. It is recommended that a study be undertaken to develop the maximum total number of PBC's

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generated. This can be compared with a theoretical amount of TDR from Article 6 to show that resulting development would still meet the intent of the sanitary code. As an alternative, the two categories could be eliminated.

- A second issue on credits deals with old filed maps. The department occasionally is presented maps that had either county or state health department approval prior to Article 6. These maps must be given special consideration to determine their conformance with Article 6 and, more importantly, with the 1981 real property tax map which the department uses as a map of reference when determining the existence of a parcel. This same comment applies to the existence of single and separate lots as they too must be shown on the 1981 tax map. This tax map year was chosen because Article 6 was approved in November of 1980, and enforcement of the regulation began in 1981.
- Issue #4. The department acts as Project Office and Manager for the Peconic Estuary Program. As part of this project, a groundwater drainage areas in the Peconic River has been delineated, and within that boundary, certain development restrictions have been recommended. The department supports these restrictions. A separate letter from the PEP Policy Committee will discuss the restrictions more completely.
- Issue #5. Implementation. The plan does not discuss the actual implementation of the pine barrens credits program, including requirements for obtaining credits, record keeping, staff requirements and overall mechanics needed to initiate the process. Because of the department's responsibility to approve all water supply and wastewater facilities at any new construction site, and the resulting records associated with this responsibility, it is important that the implementation process include us. We will need to keep track of credits used, parcels sterilized, etc. Therefore, when the commission begins to implement PBC's, the department requests involvement in that process.

The following represents specific page-by-page comments.

### Introduction

#### Page 3 - paragraph 3

A statement is made that "the Pine Barrens provide ... on which 2.6 million Long Islanders depend for their water supply." Since this statement could be misleading, it is suggested that it be replaced with "Perhaps, more importantly, the Long Island Pine Barrens contains a large

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volume of high quality groundwater which can provide an excellent water supply source for present and future generations."

#### Central Pine Barrens Evolution and Preservation

##### Page 21 - last two paragraphs

The description of the south shore by Dwight (1822) is repeated in both paragraphs.

#### The Central Pine Barrens Today

##### Page 58

The Peconic River groundwater-contributing area is discussed. However, there is no map presented. The enclosed map, which shows the groundwater-contributing area, should be included in the final report. The boundary should be illustrative as well as useful for management purposes. The Geographic Information System coverages for the map are available from the Suffolk County Department of Health Services, Office of Ecology.

##### Page 118 - last paragraph

Typo - the word "hiding" should be "riding"

##### Page 132 - 3rd paragraph

Statement that Suffolk County Code Articles 6, 7 and 12 apply only to Zones III, V and VI is not correct. Suggest deleting the whole paragraph since each of the sanitary code articles is addressed separately.

##### Page 133

The importance of Suffolk County Sanitary Code Article 12 should be clarified. The other Suffolk County Sanitary Code articles of interest are summarized adequately. However, Article 12 is not.

#### The Central Pine Barrens Plan

##### Pages 148 and 149

Under the goals for the Core and Compatible Growth Area, it is recommended that a statement be added which reaffirms the desire to protect the groundwater resource. It is

suggested that a goal "To preserve the groundwater aquifer for use as a source of present and future water supply." be added.

Page 150

Under core area land use, it is suggested that "water supply source" be added.

Page 151

- The recommendations for the CGA in Section 1.1 *Nitrate-nitrogen* are ambiguous. The same concerns are covered more clearly by the recommendations of the Hydrology Committee on page 191. It is suggested that the data prepared by the Hydrology Committee be used.
- The recommendations in Section 1.3 *Other Chemical Contaminants of Concern* are also vague. If the intent is to exclude commercial and industrial facilities from the CGA, then this intent should be stated clearly. In addition, policy 1.3.2 appears to be directing the SCDHS (or other agency) to use "available scientific data" to impose discharge limitations more strict than those now allowed under existing regulations.
- • The relationship between development density and groundwater nitrogen contamination is accurately stated on page 132. Modelling analyses (Cornell studies of Southold and Southampton Pine Barrens, 1983) and field sampling ("L.I. 208 Study," "Comprehensive Water Resources Management Plan") have indicated that, in unsewered areas, one dwelling unit per 40,000 square feet results in an average groundwater total nitrogen concentration of about 4 mg/l. At one dwelling unit per 20,000 square feet, the average groundwater total nitrogen concentration is about 6 mg/l. The department recommends that the Commission adopt an average 4 mg/l target for the overall Pine Barrens area.
- With respect to the Pine Barrens credit program, in circumstances of transfer of development rights (TDR's), the generally applicable standard is obviously different. Where a credit is redeemed in the same groundwater zone where it originated (p. 215), then the resulting groundwater quality in the receiving zone could be 6 mg/l (at 600 gpd, or two dwelling units or non-residential equivalent per 40,000 square feet), assuming the sending zone density credits were allocated in accordance with Suffolk County Sanitary Code density requirements.

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Page 152


Under section 1.4.1 add the phrase "or property designated for future use as a wellfield" after the word "wells."

Page 169

The fourth recommendation for freshwater wetland communities calls for locating sanitary facilities as far as possible from wetlands as determined after investigation of the local groundwater regime. The siting of sanitary systems should be in conformance with NYSDEC and SCDHS regulations.

Page 190

The department supports the findings of the Brown Tide Comprehensive Assessment and Management Program (BTCAMP) and the Peconic Estuary Program (PEP). Relevant recommendations of these programs should be incorporated into the Central Pine Barrens plan. For example, within the Peconic River groundwater contributing area, the plan proposed a standard of two acres per dwelling unit, or its non-residential equivalent (i.e. 2 to 3 mg/l total nitrogen). A separate letter from the Peconic Estuary Program policy committee will be forwarded.



Pine Barrens Credit Program

Page 213

The report does not specify what acceptable uses a property would retain after allocation of Pine Barrens credits. If the property will not produce any sanitary or other nitrate producing waste discharges to groundwaters, the full Pine Barrens credit should be granted. However, if the residual use does impact groundwaters, the credits should be reduced according to the potential for discharge. It is recommended that the allowable uses in the core area be specifically defined, and if any of the permitted uses impact groundwater, appropriate reduction factors to the Pine Barrens credit should be noted in this section.

Page 214

An allocation method for residential Pine Barrens credits is proposed which is based upon existing zoning where the gross area is multiplied by development yield factors. For the most part, the allocation factors comply with Article 6 density requirement. Only two of the eight categories are higher (a yield factor of 2.7 per acre for zoning of four units per acre and a yield factor of 1.6 per acre for two units per acre). Although these two categories exceed

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Article 6 requirements, the other six will result in less density yields. It is recommended that an analysis be made to determine the maximum number of Pine Barrens credits which can be generated so that it can be compared with the development permitted under Article 6. The data would be useful in the GEIS section to substantiate the overall environmental acceptability of the TDR plan.

Paragraph 2(b) notes that for other than residential, one Pine Barrens credit is equivalent to 300 gallons per day per acre which conforms with Article 6. However, an option in paragraph 2(c) allows more than 300 gpd based upon square footage of building. This provision is confusing. It allows "one credit for every 500 s.f. of floor area that could be built on a site." For a typical 7,500 s.f. building on a one-acre site this provision would give 15 Pine Barren credits (the equivalent of 4,500 gpd per acre). This allocation is excessive in terms of Article 6 density requirements, therefore, it is recommended to delete this option or modify the proposal so that it is more in line with the density concepts of Article 6.

Single and separate unimproved parcels larger than a half acre in size will be given at least one Pine Barrens credit and lots less than a half acre given .25 Pine Barrens credits. If this method is used, it should be indicated that credits would only be granted to parcels which are in compliance with Article 6 and are indicated as single and separate lots on the 1981 tax map. This would preclude granting credits for old filed tax map parcels which would not be buildable under present regulations. An alternative approach may be to grant a proportionate credit based upon the 300 gpd/acre permitted by Article 6 using the formula - Area of Parcel (s.f.)/40,000 x 1 = Pine Barren credits. Under this proposal a 20,000 s.f. lot will be given .5 credits; 10,000 s.f. - .25 credits; 5,000 s.f. - .12 credits, etc.

The last paragraph under section 2 permits each town to use a different allocation method, should they so desire. In order for the allocation to be consistent with Article 6, it is recommended that the phrase "...and provided it conforms with Suffolk County Sanitary Code Article 6." be added at the end of the paragraph.

#### Page 215

Section 2 of the Pine Barrens credit redemption notes that a criteria other than rated sewage flow can be used. In order for the redemption credit to be consistent with Article 6, it is recommended that the phrase "...provided it conforms with Suffolk County Sanitary Code Article 6." be added at the end of the last paragraph.

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Page 218

A section has been included which allows Pine Barrens credits to be used outside of the Pine Barrens towns based upon "a program to be established." It is recommended that the phrase "...and consistent with the requirements of Suffolk County Sanitary Code Article 6." be added to the end of the paragraph.

Change the 6 mg/l nitrate loading standard (item 5) to a requirement that the residential overlay district conform to Article 6 of the Suffolk County Sanitary Code.

Page 219 - paragraph 5

The statement made that the Pine Barrens clearinghouse should be a separate entity from the town or the commission conflicts with statement on page 235 which notes the clearinghouse should be operated by the town or commission.

Page 229

It is recommended that, in the factors to be considered in acquisitions, "outstanding resource surface waters" or "threatened surface waters of significant concern" be added to the factor which includes "significant natural resources including rare or endangered species or natural communities." The current language may not be broad enough to include surface water considerations.

Page 233

The criteria for Developments of Regional Significance should include areas within the Peconic River groundwater-contributing area due to the environmental significance of the Peconic River groundwater-contributing area in relation to Peconic River and Flanders Bay water quality.

Draft Generic Environmental Impact Statement

Page 276

Insert Article 4 to the paragraph pertaining to receiving areas (1). This is necessary since Article 4 of the Suffolk County Sanitary Code is the basis for the private well standards.

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Page 284 - last paragraph

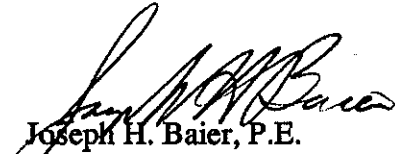
Reference is made to "the County Comprehensive Water Resources Management Plan, prepared by Suffolk County Health Services for Divirka and Bartilucci." This should be reversed, i.e. "Divirka and Bartilucci for Suffolk County."

Page 331 - first paragraph

Typo - Hydrogeologic Zone II should be III.

I would be pleased to discuss any and all of these comments with you or Tim Hopkins at any mutually convenient time.

Very truly yours,



Joseph H. Baier, P.E.  
Director of Environmental Quality

JHB/lst

Enclosures

cc Mary E. Hibberd, M.D., M.P.H.